

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4663 OF 2015

MANJUSHA SUDHAKAR JANTINE
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Vivek J. Dhage
AGP for respondent Nos. 1 and 2 : Mr. S.K. Kadam
Advocate for respondent Nos. 3 and 4 : Mr. G.D. Kale.

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CORAM : S.S. SHINDE & A.M. BADAR,JJ.
DATE : 1st October,2015.

PER COURT:

1] Heard. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2] It is the case of the petitioner that petitioner's husband during the course of his employment with respondent Nos. 3 and 4 died in harness on 20th January, 2012. The petitioner immediately made application for appointment on compassionate ground on 21st February, 2012. It is the case of the petitioner that husband of the petitioner was appointed in respondent No.4 school since 13th June, 1994 as an Assistant Teacher and since then he worked continuously till his death on 20th January, 2012. It is further the case of the petitioner that she is not having any income and economical condition of the petitioner is poor. The petitioner made representation to the Education Officer (Secondary), Zilla Parishad, Latur on 6th April, 2014 praying therein for appointment on compassionate ground. Similarly, the petitioner also approached the Deputy Director of Education, Latur Division, Latur by filing application on 16th March, 2014. The Deputy Director of Education, Latur Division, made communication on 23rd March, 2015 and

directed the respondent Nos. 3 and 4 to take necessary action for appointment of the petitioner on compassionate ground. The Education Officer (Secondary) Zilla Parishad, Latur also asked the Head Master of the respondent No.4 school to submit proposal for appointment of the petitioner on compassionate ground. It is further the case of the petitioner that she is entitled to get appointment on compassionate ground in view of the Government Resolution dated 31st December, 2002.

3] Learned counsel for petitioner submits that petitioner possesses the requisite qualification for her appointment as an Assistant Teacher. Therefore, counsel for petitioner submits that petition may be allowed.

4] On the other hand, learned counsel for respondent Nos. 3 and 4 submits that when the vacancy arose on account of death of husband of the petitioner, the petitioner was not possessing the necessary qualification for appointment on the post of Assistant Teacher. He further submits that, as on today, there is no vacancy of the post of Assistant Teacher in respondent No.4. He further submits that if vacancy arises in future, respondent No.4 will have to adhere to the relevant procedure and then only prayer of the petitioner can be considered.

5] We have heard counsel for the petitioner, learned AGP for respondent Nos. 1 and 2 and learned counsel for respondent Nos. 3 and 4. With their able assistance, we have perused the pleadings in the petition, grounds taken therein and annexures thereto and in particular, letter written by the Deputy Director of Education, Latur Division, Latur to the respondent Nos. 3 and 4, wherein, it is stated that petitioner should be appointed on compassionate ground, keeping in view her qualification on sanctioned clear post, as per the rules of appointment on compassionate ground.

6] It is not in dispute that at present there is no vacant post of Assistant Teacher in respondent No.4. In that view of the matter, as and

when there will be vacancy in respondent No.4 school or if there is additional post sanctioned by the Government, the respondent Nos. 3 and 4 shall appoint the petitioner on first vacancy, subject to approval by respondent No.2 in accordance with relevant Government policy regarding compassionate appointments.

7] Rule is made absolute in above terms. Petition stands disposed of.

[A.M. BADAR, J]

[S.S. SHINDE, J]

grt/-