

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5518 OF 2014

Sunanda Laxman Dadage .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. D. Gunale, Advocate for the Petitioner.

Shri K. G. Patil, Addl. G. P. for Respondent No. 1 to 3.

Shri Subhash S. Chillarge, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 13TH JANUARY, 2015.

PER COURT :

. The petitioner assails the order dated 20.03.2014 passed by the Deputy Director of Education, Latur cancelling approval granted in favour of the petitioner in the year 2008.

2. Mr. Gunale, the learned counsel submits that, the petitioner was appointed on compassionate ground in the year 2008 in place of her father-in-law. Suryakant who was another son of her father-in-law was residing separately and was not looking after the petitioner and was not maintaining her. The husband of the petitioner also died in the same accident in which father-in-law died. The petitioner in the year 2008 itself was appointed on compassionate ground in place of her father-in-law. According to the learned counsel vide the impugned order dated

20.03.2014 the approval granted to the appointment of the petitioner on the post of peon in the year 2008 has been cancelled. The learned counsel further submits that, staffing pattern of the year 2013 has been considered. In fact, the petitioner was appointed in the year 2008 and staffing pattern of the year 2008 should have been considered. The learned counsel submits that, there is no bar to appoint daughter-in-law in place of father-in-law, when the husband of the present petitioner has also died and daughter-in-law is a widow.

2. Mr. Patil, the learned Additional Government Pleader submits that, considering the fact that, another son of Narayan Made i. e. father-in-law of petitioner is in the service, the petitioner could not have been appointed on compassionate ground. The said aspect has been rightly considered.

3. On two counts the Education Officer has cancelled the approval granted in favour of the petitioner, one the petitioner being daughter-in-law could not have been appointed in the place of father-in-law and more particularly when Suryakant another son of father-in-law was in service and secondly said post was not admissible as per the staffing pattern of the year 2013-2014.

4. The staffing pattern of the year 2008 will be required to be considered while considering approval granted to the petitioner. In case subsequently as per staffing pattern the post is not admissible, then the petitioner can be declared surplus.

5. The other son of the father-in-law that is Suryakant is already in service at the time of death of father-in-law. In the same accident father-in-law and husband of the petitioner have died. There was no earning member in the family and that was considered by the management while appointing the petitioner in the year 2008 while appointing the petitioner on compassionate ground. It would be too late in the day in the year 2014 to pass an order cancelling the approval of the petitioner, when the petitioner has already served for six years in the said institution.

6. No other Government Resolution is also brought to our notice to show that the daughter-in-law in the present facts and situation cannot be considered for appointment on compassionate ground.

7. In the light of the above, the order dated 20th March, 2014 cancelling the approval granted to appointment of the petitioner cannot be sustained and the same is hereby quashed and set aside. In case subsequently for the year 2013-2014 the said post is not available, the Education Officer is at liberty to take further steps for declaring the petitioner surplus or otherwise. The writ petition is accordingly disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]