

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9359/2013

Vaibhav s/o Balasaheb Ahire

..PETITIONER

Versus

- 1] The State of Maharashtra
Through Secretary
Higher Education & Technical
Education Department, Govt. of
Maharashtra, Mantralaya, Mumbai-32
- 2] The Director,
Vocational Education & Training
Directorate, Mumbai
- 3] The Deputy Director
Vocational Education & Training
Divisional Office, Near Bhadkal Gate
Aurangabad Dist. Aurangabad
- 4] The District Vocational Education
and Training Officer,
Near Bhadkal Gate, Aurangabad
Dist. Aurangabad.
- 5] Shri Chhatrapati Shivaji
Shikshan Prasarak Mandal
Kannad tq. Kannad
Dist. Aurangabad
Through its President/Secretary
- 6] Principal,
Ramrao Patil Bahirgaonkar (Jr. College)
Arts Commerce, Science and
Minimum Competency Vocational Courses
Kannad Tq. Kannad
Dist. Aurangabad.

..RESPONDENTS

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Mr.S.G.Gastgar, Adv. for petitioner.

Mrs.S.D.Shelke,AGP for respondent State.
Mr.K.U.Nikam, Adv. for R.5 & 6.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 21st January, 2015.**

P.C. :

Mr.Gastgar, learned counsel for petitioner submits that the father of the petitioner died on 14/11/2010. The petitioner on 27/1/2011 had applied seeking appointment on compassionate ground in the place of his father. According to the learned counsel, the post on which the father of the petitioner was working was filled in by promoting the person working as a Peon in the said college. The learned counsel further submits that the respondent management is running various schools and colleges. Many vacancies are available, however, they are not giving appointment to the petitioner.

2] Mr.Nikam, learned counsel for the respondent management submits that there is only one post of Peon vacant in M.C.V.C. Junior College, Kannad and apart from that, there is no vacancy available in any school run by present respondent management. Learned counsel submits that the father of the petitioner was terminated. The father of the petitioner challenged the said order of termination before the School Tribunal and the said Appeal is still pending. According to the learned counsel, respondent management is not denying to appoint the petitioner on compassionate ground, however, he stands at Sr.No.3 in the list of

persons seeking appointments on compassionate ground. As per the turn, the name of the petitioner would be considered.

3] The staffing pattern of the schools and junior colleges run by the respondent is produced on record. As per the same, one post of Peon is still vacant with M.C.V.C. Junior College. If the petitioner is at Sr.No.3, naturally the post will have to be first offered to the person at Sr.No.1 in the list of persons seeking appointment on compassionate ground. The respondent management shall take immediate steps to fill in the said post of Peon which is vacant, from the list of persons seeking appointment on compassionate ground. In case, the persons at Sr.Nos.1 and 2 do not accept the said appointment, then the same shall be offered to the petitioner.

4] It is further made clear that as and when vacancy will arise, or additional post would be created in Class-III/IV, then the petitioner shall be considered for the appointment on the said post on compassionate ground as per his turn.

5] Writ Petition is accordingly disposed of with aforesaid observations and directions. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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