

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

WRIT PETITION NO. 8185 OF 2014.

NITIN VITTHALRAO TANDALE.
VERSUS
THE STATE OF MAHARASHTRA & ORS.

Appearance =>

Mr. D.R. Irale Patil, Advocate for the Petitioner.

Mr. A.V. Deshmukh, Additional Government Pleader, for the State of Maharashtra.

Mr. P.R. Tandale, Advocate for Respondent No.4.

**Coram : S.S. Shinde,
 A.M. Badar, JJ.**

Date : 28th September, 2015.

Per Court :-

Upon perusal of the "SCHEME FOR COMPASSIONATE APPOINTMENT" and also letter written by the Chief Executive Officer, Zilla Parishad, Latur, District - Latur to the Deputy Secretary, Rural Development and Water Conservation Department, Mantralaya, Mumbai - 32. On the relevant date, when the Petitioner was appointed, there were two posts of Junior Engineer vacant. One was supposed to be fill-in through in service candidates and another was for the candidates from the open category. Therefore, on the relevant date, the petitioner was appointed on the post of Junior Clerk i.e. Class - III and the petitioner has accepted the same.

[2] It is the submission of learned counsel appearing for the petitioner that subsequently two posts of Junior Engineer are available / vacant and, therefore, Respondent No.4 may consider the prayer of the Petitioner to appoint him on the post of Junior Engineer.

[3] In that respect, in case Respondent No.4 feels it appropriate, keeping in view the qualification of the Petitioner, he may consider the prayer of the Petitioner in the light of relevant Rules and Policy. Writ Petition stands disposed of in above terms.

[A.M. BADAR, J.]

[S.S. SHINDE, J.]