

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5436 OF 2012

(Shri Dattatraya Wamanrao Kharwade vs. The Education Officer (Secondary), ZP, Chandrapur & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
APRIL 08, 2015.**

Heard Shri Shende, learned counsel for the petitioner, Ms. T. Khan, learned AGP for respondent Nos. 1 & 4 and Shri Mohgankar, learned counsel for respondent Nos. 2 & 3.

The petitioner seeks employment on compassionate ground. The management has come up with a reply affidavit, pointing out absence of any vacancy.

In view of this reply, Shri Shende, learned counsel submits that by following Government Resolution dated 31.12.2002, Respondent No. 1 – Education Officer has to add the name of the petitioner to the list of employees found eligible for grant of compassionate employment and whenever a vacancy is available in any of the recognized aided School, the candidature of the petitioner needs to be considered for providing employment against such vacancy.

Shri Mohgaonkar, learned counsel for the management states that the management does not have any vacancy for the present.

The learned AGP points out that Government Resolution dated 31.12.2002 is being pressed into service for the first time today in the Court. Shri Shende, learned counsel informs that incomplete copy of said Government Resolution is already on record.

We do not wish to go into the said controversy. If there is any Government decision which requires Respondent No. 1 to maintain the list of dependants who are otherwise eligible for compassionate employment, we direct the petitioner to move appropriate representation to Respondent No. 1 within a period of three weeks from today. If such a representation is moved by the petitioner, Respondent No. 1 shall look into it in accordance with law within next four weeks and if he finds the petitioner entitled, to add name of the petitioner in that list and consider him for employment on compassionate grounds as per his number in that list.

The complete copy of Government Resolution dated 31.12.2002 produced by Shri Shende, learned counsel is taken on record as Exh. X. Its copy is also supplied to the learned AGP.

With the above directions, writ petition is disposed of. However, there shall be no order as to costs.

JUDGE

JUDGE