

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

WRIT PETITION NO. 4043/2014

(Smt. Anita wd/o Prakash Wani vs. The State of Maharashtra and others)

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

Court's or Judge's order

Mr. S.S.Khandekar, Advocate for petitioner
Mr. N S Rao, Asst.Govt.Pleader for Respondents 1 and 2
Mr. I.N. Chaudhari, Adv.for Respondents 3 and 4

CORAM : SMT. VASANTI A. NAIK &
A.M. BADAR, JJ.

DATED : 5th May, 2015.

Heard.

By this petition, the petitioner seeks a direction to the State of Maharashtra as also the Education officer (Secondary), Zilla Parishad, Gondia to grant approval to the appointment of the petitioner, on the post of Junior Clerk, on compassionate ground.

The husband of the petitioner was working as a Junior Clerk and died while in service on 19.7.2012. Since the petitioner was duly qualified for being appointed on the post of Junior Clerk, she made an application to the respondent nos. 3 and 4 for her appointment, on compassionate ground. The petitioner was appointed on compassionate ground on the post of Junior Clerk, in the respondent no.4-School, on 16.8.2012. The proposal of the petitioner was sent to the

respondent no.2-Education Officer for grant of approval, on 1.11.2012. Since there were some deficiencies in the proposal, a fresh proposal was sent to the respondent no.2 on 18.11.2013, after curing the deficiencies. The petitioner thereafter requested the respondents to decide the proposal of the petitioner at the earliest, but the respondents have not decided the proposal and granted approval to the appointment of the petitioner. According to the petitioner, she has not received the salary since her appointment on 16.8.2012, in the absence of any approval to her appointment.

The Respondent no.2-Education officer has filed an affidavit-in-reply. It is stated by the Education Officer, in the reply, that the proposal of the petitioner, dated 18.11.2013, is forwarded to the State Government for sanction and the reply of the State Government is awaited. It is stated that the approval could be granted to the appointment of the petitioner after a decision is taken by the State Government.

We are really surprised that the respondent no.1 and 2 have not yet taken any decision on the proposal of the petitioner dated 18.11.2013. The petitioner has filed the instant petition on 24.7.2014, as the proposal of the petitioner was not decided and the petitioner has not been paid the salary since 16.8.2012. It was necessary for the respondent no.2 to consider granting approval to the appointment of the petitioner if she is duly qualified for being appointed on the post of Junior Clerk. Instead of granting approval to the appointment of the petitioner on compassionate ground, both the respondent nos.1 and 2 are sitting over the matter for

more than two years.

In the circumstances of the case, since the petitioner is appointed on compassionate ground, in view of the death of her husband, while in service in the year 2012, we dispose of the Writ Petition, with a direction to the respondent nos. 1 and 2 to consider granting approval to the appointment of the petitioner on the post of Junior Clerk as early as possible and positively within a period of one month, if the petitioner is otherwise eligible to hold the post of Junior Clerk.

Order accordingly. No costs.

Steno copy of this order is granted on request of the learned Assistant Government Pleader.

JUDGE

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