

FARAD CONTINUATION SHEET NO.  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD

**WRIT PETITION NO.378 OF 2015.**

**Anant S/o Pilajirao Chakote Vs. The State of Maharashtra  
and others.**

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

Mr.K.B.Jadhav, advocate for the petitioner.  
Mr.B.V.Virdhe, A.G.P. for the State.  
Mr.M.P.Kale, advocate holding for Mr.B.S.Mundhe,  
advocate for Respondent Nos.3 and 4.

**CORAM : S.V.GANGAPURWALA AND  
K.L.WADANE, JJ.  
Date : 20.10.2016.**

**PER COURT :**

1. Heard.
2. Mr.Jadhav, learned counsel for the petitioner submits that the father of the petitioner was employed with Respondent. He stood retired in the year 1995 on medical grounds. The petitioner had passed HSC in the year 1994. The petitioner applied for appointment on compassionate ground. The petitioner also clarified that he has appeared for typing examination and passed in May 1996. On 21.8.1995, the petitioner had filed application for appointment on compassionate ground as Junior Assistant.

However, the same was not considered and the petitioner was given appointment on 11.12.1995 as a Peon. In fact, at that time the petitioner was entitled to be appointed as Junior Assistant (Class III). The learned counsel submits that petitioner had time and again given representations, but to no avail. The petitioner has passed typing examination in May 1996. The learned counsel relies on the Government Resolution dated 16.10.1993 which says that the person appointed on Class III post may pass typing examination within 11 months. The learned counsel further relies on the Government Resolution dated 23.8.1996 which has extended period for passing the typing examination by two (2) years. According to the learned counsel, the petitioner in December 1995 itself was eligible to be appointed in Class III post. The Respondents as such be directed to give benefit of Class III post to the petitioner since the date of his initial appointment.

3. Mr.Kale, learned counsel for Respondent Nos.3 and 4 submits that petitioner was not possessing the necessary documents for being considered on Class III post. Thereafter, the petitioner on 27.7.1995 voluntarily gave application for being considered as Peon. The Respondents considered the said application and appointed the petitioner as Peon on 11.12.1995. At present there are no posts in Class III vacant. The petitioner is placed at serial No.5 in the seniority list and as and when vacancy arises, the claim

of the petitioner would be considered as per the seniority.

4. We have considered the submissions. Prima facie it appears that the petitioner could have been considered for being appointed on Class III post on compassionate ground in the year 1995. However, the Respondent has placed the application of the petitioner dated 27.9.95, requesting to appoint him as a Peon.

5. It is stated that at present Class III post is not vacant with the Respondents. It would not be possible to consider the grievance of the year 1995 after a long slumber of 20 years. The petitioner is also placed in the seniority list at serial No.5. The Respondents have also made a statement that the petitioner would be considered for appointment on Class III post as and when vacancy arises as per the seniority. The said statement is accepted as an undertaking to this Court. The Respondent Nos.3 and 4 shall as and when vacancy arises, consider the case of the petitioner for being promoted to the Class III post as per the seniority.

6. The Writ Petition is accordingly disposed of. No costs.

**( K . L . WADANE , J . )**

**( S . V . GANGAPURWALA , J . )**

Dt.20.10.2016.  
asp/office/wp378.15

