

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

WRIT PETITION NO.1777 OF 2016

Pramod s/o. Nagraj Shirsath,
Age 28 years, Occ. Service,
r/o. At post Pilkhod,
Tq. Chalisgaon, Dist. Jalgaon ..Petitioner

vs.

The State of Maharashtra,
through Secretary,
School Education Department,
Mantralaya, Mumbai 32
and ors. ..Respondents

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Mr.A.D.Pawar, Advocate for petitioners

Mrs.M.A.Deshpande, AGP for respondent nos.1 and 2

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.**

DATE : JULY 04, 2016

PER COURT :

Heard the learned Counsel appearing for the
petitioner and the learned AGP appearing for the
respondent - State.

2. The learned Counsel appearing for the
petitioner submits that the reasons assigned in

the impugned communication/order passed by the Education Officer (Secondary), Zilla Parishad, Jalgaon thereby rejecting the proposal for approval to the appointment of the petitioner, are unsustainable, inasmuch as the appointment of the petitioner was on compassionate ground. He submits that the ground raised in the impugned communication/order that there is a ban on new recruitment by the State Government, would not sustain as, such ban is not applicable in the case of an appointment on compassionate ground.

3. On the other hand, the learned AGP, relying on the reasons recorded in the impugned communication, submits that the unless all the surplus teachers on the roll of the State Government are absorbed, no fresh recruitment can be allowed.

4. Upon hearing the learned Counsel appearing for the petitioner and the learned AGP appearing for

the State and after perusal of the pleadings in the petition and annexures thereto, we are of the view that the appointment on compassionate ground is offered so as to give solace to the family of a deceased employee and therefore, the grounds stated by the Education Officer in the impugned communication, cannot sustain.

5. In that view of the matter, the impugned communication/order passed by the Education Officer (Secondary), Zilla Parishad, Jalgaon, is quashed and set aside. The Education Officer (Secondary), Zilla Parishad, Jalgaon is directed to consider the proposal for appointment of the petitioner on compassionate ground, afresh without raising the grounds which are raised in the impugned communication and take a decision as expeditiously as possible, however, within a period of six weeks from today and communicate the decision to the petitioner.

6. The Writ Petition stands disposed of in the above terms.

7. The parties to act on authenticated copies of this order.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

kbp