

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

WRIT PETITION NO. 3812 OF 2011

Sushilabai Sopan Rathod,
Age : 36 Years, Occu. : Nil,
R/o Plot No. 71, Surewadi,
Near New Mondha, Aurangabad. .. Petitioner

Versus

1. State of Maharashtra,
Through Secretary for
Education Department,
Mantralaya, Mumbai.
2. Chief Executive Officer,
Zilla Parishad, Aurangabad.
3. Education Officer,
Secondary & Higher Secondary,
Zilla Parishad, Aurangabad.
4. The Secretary/President,
Vasantrya Naik Shikshan Prasarak
Mandal, Jalna Road,
Aurangabad.
5. Head Mster,
Baliram Patil Vidyalaya,
N-9, CIDCO, Aurangabad. .. Respondents

Shri Mangesh Jadhav, Advocate h/f Shri Subodh P. Shah,
Advocate for the Petitioner.

Ms. Rashmi P. Gaur, A.G.P. for Respondent Nos. 1 and 3.

Shri Santosh S. Jadhavar, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.
DATE : 13TH DECEMBER, 2016.**

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*) :-

. Rule. Rule made returnable forthwith. Taken up for final hearing with consent of parties.

2. We have heard the learned counsel for the petitioner, the learned Assistant Government Pleader for respondent/state and the learned counsel for respondent Nos. 4 and 5.

3. The petitioner claims to be the wife of the deceased Sopan Gulsing Rathod. The deceased Sopan was working with the respondent No. 5/school since 01.06.2004. During his employment, the husband of the petitioner died. The petitioner is seeking appointment on compassionate ground. It is the case of the respondent that, as per staffing pattern vacancy does not exist in Class C and D category.

4. Reliance is placed on Government Resolution dated 31st December, 2002. As per the said Government Resolution, if vacancy does not exist in the school in which deceased was working, then management shall forward the proposal to the Education Officer. The Education Officer on receipt of said proposal shall keep said candidate seeking appointment on

compassionate ground on the wait list and shall take steps about absorption as per clause 6 of the G. R. dated 31st December, 2002.

5. In the light of the above, the respondent No. 4/institution shall consider the case of the petitioner and forward the proposal to the respondent No. 3 herein. On receipt of the said proposal, the respondent No. 3 shall keep the petitioner in the wait list and follow the procedure as laid down in Clause 6 of the G. R. dated 31st December, 2002 expeditiously.

Rule accordingly is made absolute in above terms. No costs.

Sd/-
[K. L. WADANE, J.]

Sd/-
[S. V. GANGAPURWALA, J.]