

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

29 WRIT PETITION NO. 7833 OF 2015

PRAMILA RAJU SHIKOKAR
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Patil Vinod Prakash
AGP for Respondents: V.S. Badakh
Advocate for Respondents : Mangesh Patil For R/3

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**CORAM : S.V.GANGAPURWALA &
P.R. BORA, JJ.
DATED : 10.10.2016.**

P.C. :-

1. Mr. Patil, the learned counsel for the petitioner states that, the petitioner is seeking appointment on compassionate ground. The husband of the petitioner was serving as a Lab Attendant and while in service he died on 07.01.2014. The petitioner applied to the respondent no.3-Management to appoint her in class-III or class-IV category on compassionate ground. The petitioner belongs to S.C. category, however, there is a dispute among the management and, as such, the cognizance has not been taken.

2. The learned counsel further submits that, three vacancies existed, however, in spite of ban on recruitment the management filled in

those three posts against the rules. The Education Officer has not granted approval to their appointments also. The petitioner can be considered for appointment on compassionate ground with respondent no.3.

3. The learned counsel for respondent no.3 submits that, there are no vacancies available with the respondent no.3, as such, the petitioner cannot be accommodated. Mr. Bhadak, the learned A.G.P. submits that, from the approved staffing pattern for the academic year 2013-2014 there were three posts of class-III and three posts of class-IV excess and they are declared surplus and as such class-III and class-IV posts are not vacant with respondent no.3.

4. We have considered the submissions. In case vacancy does not exist with respondent no.3, then respondent no.3 can forward the application/proposal received from the petitioner for appointment on compassionate ground to the Education Officer. The Education Officer by following the guidelines as laid down in the government resolution dated 31.12.2002 (with its annexures) shall keep the petitioner in the wait list for the appointments to be made on compassionate ground. As and when vacancy arises the Education Officer can direct the respondent no.3

institution or any other institution when vacancy has arisen to accommodate the petitioner by following the guidelines laid down in the government resolution dated 31.12.2002 and in case the petitioner is otherwise eligible. The respondent no.3 shall forward the said proposal which is already pending with it within a period of six weeks. Writ petition accordingly disposed of. No costs.

[P.R.BORA, J.]

[S.V. GANGAPURWALA, J.]