

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5892 OF 2016
(Govind Ramdas Kendre Vs. The State of Maharashtra and others)

Mr. R.D. Biradar, Advocate for the petitioner
Mr. S.D. Kaldate, A.G.P. for respondent Nos. 1 to 3
None appears for respondent Nos. 4 and 5 though served

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

DATE : 22nd JULY, 2016

PER COURT :

Heard the learned counsel for the petitioner and the learned A.G.P. appearing for respondent Nos. 1 to 3. Despite service of notice on respondent Nos. 4 and 5, none appears for those respondents.

2. The petitioner, by way of filing this writ petition, seeks direction to respondent Nos. 3 to 5 to give appointment to him on compassionate ground. There is alternate prayer seeking direction to respondent Nos. 3 to 5 to include the name of the petitioner in the wait list of surplus employees maintained by respondent No. 3 and absorb him in any other school run by the Zilla Parishad.

3. It appears that the petitioner applied to respondent Nos. 3 to 5 for his appointment on compassionate ground. It further appears that the Deputy Director of Education, Latur Region, Latur had written a letter to the respondent No. 4/Management on 13th January, 2016 to consider the application of the petitioner for appointment on compassionate ground and submit the report to him.

4. It is the submission of the petitioner that inspite of the specific direction by the Deputy Director of Education, Latur and availability of the vacancy in respondent No. 5 school, the petitioner's application is not considered by the respondent/Management. In the circumstances, we direct respondent Nos. 4 and 5 to consider the application of the petitioner within three weeks from today and in case there is a vacancy, forward it to the Education Officer – respondent No. 3 keeping in view the relevant procedure/policy. In case such proposal is forwarded by respondent Nos. 4 and 5, respondent No. 3 to consider the same in accordance with law keeping in view the procedure/relevant policy as expeditiously as possible; however, within a period of

eight weeks from today. We make it clear that we have not expressed any opinion on merits of the case and only we have given directions to respondent Nos. 3 to 5 to consider the application/proposal keeping in view the relevant procedure/policy. Respondent Nos. 3 to 5 shall complete the entire exercise within eight weeks, take the appropriate decision and communicate the same to the petitioner.

5. The writ petition stands disposed of in terms of the above directions.

6. The parties to act on authenticated copy of this order.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

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