

CONTEMPT PETITION NO. 551 OF 2015
in
WRIT PETITION NO. 1935 OF 2011

VERSUS

Shivaji M.Jadhav and ors. ...Respondents

Shri S.D.Yawashikar, advocate for petitioner
Shri S.R.Chaukidar, advocate for respondent nos. 2 & 3
Smt. M.A.Deshpande, A.G.P. for respondent no.4

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

DATED : 21st JULY, 2016

PER COURT :-

Heard learned counsel for the petitioner,
the learned A.G.P. appearing for the respondent
no.4/State and the learned counsel for respondent
nos. 2 and 3. With their able assistance, perused
the pleadings in the petition, annexures thereto
and in particular the order passed by this Court
on 23.1.2015 in Writ Petition No. 1935 of 2011
(Chabubai Babanrao Balatkar vs State of

Maharashtra & others). Upon perusal of the said order, it appears that the respondent/institution was directed to proceed with the application of the petitioner for appointment on compassionate ground expeditiously and preferably within a period of one month from the date of passing the order and to refer it to the Education Officer.

2. Learned counsel appearing for respondent nos.2 and 3 submits that the application was processed and was sent to the Education Officer. However, at the relevant time there was no vacancy in Class III post. He admits that there is now vacancy in Secondary School run by the respondent/institution. However, the legal representative of one another employee namely Sachin Chidambar Soundarge is in immediate need of the employment so as to get over the financial crunch faced by his family, and hence, his claim deserves to be given preference.

3. As observed earlier, this Court has already entertained Writ Petition filed by the

present petitioner and issued directions to the respondent/institution to process the application of the petitioner. The said direction was issued on 23.1.2015. At the relevant time there was no vacancy as contended by respondent nos. 2 and 3. Now there is vacancy, and therefore, the respondent/institution will have to abide by the directions given by this Court.

4. Accordingly, the respondent/institution shall immediately process the application of the petitioner with intimation to the Education Officer that there is vacancy of post of Peon. Such exercise be undertaken immediately within two weeks from today.

5. With the above observations, the Contempt Petition stands disposed of.

(SANGITRAO S.PATIL,J.) (S.S.SHINDE,J.)

dbm/cp551.15