

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10368/2015

Manisha W/o Vilas Vane.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents..

.....

Shri N.D.Sonavane, Advocate for the Petitioner.

Ms.R.P.Gour, AGP for the Respondent Nos. 1 & 2.

.....

CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.

DATE: 21.11.2016

ORDER :

1] Heard learned counsel for the parties. Rule. Rule made returnable forthwith and with the consent of learned counsel for the parties, the petition is taken up for final disposal at this stage.

2] Learned counsel for the petitioner submits that proposal seeking approval to the appointment of the petitioner as Laboratory Assistant on compassionate ground is rejected.

3] Learned AGP states that alongwith the proposal, the

death certificate was not annexed. The learned AGP submits that it is not clear whether the vacancy had existed. The delay in forwarding the proposal is also not clarified so also the appointment was during the ban period.

4] Learned counsel for the petitioner submits that now the petitioner possesses the death certificate and there is a clear vacancy as per the staffing pattern approved by the Education Department.

5] Considering the above, the impugned order is quashed and set aside. The petitioner shall submit the copy of the death certificate with the respondent institution. The respondent institution shall forward the proposal to the Education Officer seeking approval to the appointment of the petitioner afresh alongwith the staffing pattern at the relevant time and all other documents preferably within a period of eight weeks.

6] As none appears for the respondent nos.3 & 4, though served, the petitioner shall communicate this order to the respondent nos.3 & 4. On receipt of the said proposal, the Education Officer shall decide the said proposal afresh in accordance with law and shall not

reject it only on the ground that the appointment of the petitioner was during the ban period as the appointment is on compassionate ground.

7] Rule is made absolute on above terms. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)