

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1298 OF 2016
(Sk. Aref S/o Sk. Rais Vs. The State of Maharashtra and another)

Mr. G.K. Naik-Thigle, Advocate holding for
Mr. S.M. Sangle, Advocate for the Petitioner
Mr. V.S. Badakh, A.G.P. for respondent nos. 1 and 2

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

DATE : 9th AUGUST, 2016

PER COURT :

Heard learned counsel appearing for the petitioner and the learned A.G.P.

2. This petition takes exception to the communication dated 11th May, 2015, issued by the Education Officer (Secondary), Zilla Parishad, Beed to the Head Master, Sanskar Vidyalaya, beed. It appears that the petitioner has been appointed on compassionate ground on a vacancy that arose on account of the death of his father on 3rd December, 2014. Immediately thereafter, the petitioner was appointed on 22nd December, 2014. If the reasons given by the Education Officer in the impugned communication are examined in the light of the aforesaid facts, it appears that the

Education Officer, without applying his mind that the petitioner's father was working on clear vacant and sanctioned post, rejected the approval to the appointment of the petitioner. In that view of the matter, the impugned communication dated 11th May, 2015 is quashed and set aside.

3. The Education Officer (Secondary), Zilla Parishad, Beed – respondent No. 2 is directed to reconsider the said proposal for grant of approval to the appointment of the petitioner, however, certainly after verifying the fact that the petitioner's father was working on clear vacant and sanctioned post. Respondent No. 2 will be at liberty to hear the petitioner or for that matter, the concerned Management, if need be. However, the entire exercise shall be completed as expeditiously as possible; however, within a period of four weeks from the date of receipt of the copy of this order.

4. Till the decision is taken by the Education Officer – respondent No. 2 afresh, the respondents are directed to maintain status quo as to the services of the petitioner as on today.

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

6. The learned A.G.P. undertakes to communicate this order through the office of the Government Pleader to respondent No. 2 by the fastest mode of communication.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

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