

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6493 OF 2014

A. Qadeer A. Mannan Bijapure ... Petitioner.

V/s.

The President, M. A. Pangal Anglo Urdu
High School & Junior College of Arts
and Science, Solapur & Others. ... Respondents.

Mr. Ashok B. Tajane, Advocate for the Petitioner.
Mr. I. M. Khairdi, Advocate for the Respondent Nos. 1 & 2.
Mr. P. P. Kakade, AGP for the State/ Respondent Nos. 4 to 7.

**CORAM : NARESH H. PATIL AND
A. A. SAYED, JJ.**

DATE : 29th FEBRUARY, 2016.

P.C. :

1 Heard the learned counsel appearing for the parties.

2 By this petition, the Petitioner prays for direction to the Respondents to appoint him on compassionate ground in M.A. Pangal Anglo Urdu High School and Junior College of Arts and Science at Solapur. It is the case of the Petitioner that his father was a Lecturer in History and Urdu subjects in the said Junior College. He died in the year 2000 due to cancer. The Petitioner filed applications with the Respondent-Management during 2001 to 2008, seeking appointment on

compassionate ground. The Petitioner claims to have filed application again on 30th January, 2009 for compassionate appointment. Thereafter, the Petitioner claims to have filed further application, representation/complaint to the Education Officer and Deputy Director of Education.

3 Learned counsel appearing for the Petitioner submits that an additional affidavit-in-rejoinder is filed wherein reliance was placed on a note signed by the Education Officer (Secondary), wherein it was recorded that though the Petitioner was not given appointment order, he was discharging his duties as a teacher since the year 2001-2002. On behalf of the Petitioner it is submitted that the Management insisted that the Petitioner should upgrade his qualification so as to consider petitioner's appointment on compassionate ground. The learned counsel further submits that the Management did not allow the Petitioner to sign the muster though he was appointed.

4 The learned counsel appearing for the Management refuted the allegations of the petitioner and submits that at no point of time the petitioner was appointed on any post much less on compassionate ground or by following procedure in accordance with the MEPS Act. The learned counsel on behalf of the Management further submits that the petitioner's claim is imaginary.

5 We have perused the record produced before us. Prima facie, we are not convinced with the plea of the Petitioner that he was appointed by the Management in the year 2001-2002. In any case, if the Petitioner was really appointed and was denied service benefits then appropriate remedy under the MEPS Act was open for the petitioner, which the Petitioner for the best reasons known to him, has not resorted to since last 15 years. Petitioner is seeking direction to the Respondents to appoint him on compassionate ground. This plea itself is self contradictory. The Petitioner has not approached this court with clean hands. The learned counsel appearing for the Management submits that so far the Management has not taken any decision on the application filed by the Petitioner, seeking his appointment on compassionate ground in accordance with the Scheme framed by the State Government.

6 The Management shall decide the application of the Petitioner on its own merits and communicate its decision to Petitioner. With the above directions, without expressing any opinion on merits, the petition is disposed of.

(A.A.SAYED,J.)

(NARESH H.PATIL,J.)

.....