

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8281 OF 2015

Smt. Sarika Ganesh Sonone.

..Petitioner.

Versus

Aadiwasi Pragati Mandal and Others.

..Respondents.

Mr. Sunil Dighe for the Petitioner.

Mr. P. M. Palshikar for Respondent No. 5.

Mr. Dilip Bodake for Respondent No. 1 and 2.

Mr. V. M. Mali, learned AGP for Respondent No. 3, 4 and 6 – State.

Coram : Ranjit More &

Dr. Shalini Phansalkar-Joshi, JJ.

Date : **April 6, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties.

2. The Petitioner's husband– Ganesh Kisan Sonone was working with Respondent No.2 – College as Senior Clerk. While on duty, he met with an accident and he died. The Petitioner approached Respondent Nos.1 and 2 for appointment on compassionate ground. She sought appointment on the post on which her late husband was working.

3. The case of the Petitioner is that she is fully qualified to be appointed as senior clerk. Since Respondent No.2-college is receiving grant-in-aid, the Government policy with regard to the

appointment on compassionate ground is binding on Respondent Nos.1 and 2. It is her further case that her application for appointment on compassionate ground has been recommended by the Principal of Respondent No.2-college and accordingly an order was issued by the Joint Director of Education and despite this, Respondent Nos.1 and 2 have not appointed her on the post of Senior Clerk. By this present petition, she has sought directions to Respondent Nos.1 and 2 to appoint her on the post of senior clerk, on which post her late husband was working at the time his death.

4. Mr. Bodake, the learned Counsel appearing for the Respondent Nos.1 and 2 submitted that post of the senior clerk is promotional one and the Petitioner cannot be appointed directly on the promotional post, and in accordance with the policy of the State Government with regard to appointments on compassionate ground, she is entitled to be appointed on the feeder post, i.e., on the post of clerk. He further submitted that at present the post of clerk is not vacant in Respondent No.2-College. Upon instructions, he submitted that the post of Library Attendant is presently vacant in Respondent No. 2-College and Respondent Nos.1 and 2, are ready and willing to appoint the Petitioner against the said post of Library Attendant which is a Class-D post.

5. Mr. Dighe, after taking instructions from his client states that the Petitioner is ready and willing to accept the post of

Library Attendant and whenever the post of clerk falls vacant in Respondent No.2, the Petitioner shall be considered for the said post on priority basis.

6. In above circumstances and especially in view of the limited concession given by Mr. Bodake on behalf of Respondent Nos.1 and 2 in respect of the appointment of the Petitioner on the post of Library Attendant, we dispose of the writ petition in the following terms :

[1] Respondent Nos.1 and 2 shall appoint the Petitioner on the post of Library Attendant within the period of two weeks from today.

[2] Whenever the post of Clerk falls vacant in Respondent No.2-College, the Petitioner shall be considered with other eligible persons, if she fulfills the eligibility criterion.

[Dr. Shalini Phansalkar-Joshi, J.]

[RANJIT MORE, J.]