

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 879 OF 2015

(Devanand Balkrishna Khobragade vs. The State of Maharashtra thr. Secretary, Department of Social Welfare and Tribal Development & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
APRIL 01, 2016.**

Heard Shri A.D. Mohgaonkar, learned counsel for the petitioner, Shri M.M. Ekre, learned AGP for respondent Nos. 1 & 2 and Shri B.G. Kulkarni, learned counsel for respondent Nos. 3 & 4.

The eligibility of the petitioner for grant of employment on compassionate ground is not in dispute.

The petitioner points out that after he submitted claim, an advertisement was issued on 25.06.2014 to fill in the post of Cooks. The representation made for the petitioner is dated 01.07.2012 and the mother of the petitioner has expired on 06.05.2012.

Shri Kulkarni, learned counsel has pointed out that due to subsequent reduction in posts of Cooks, recruitment could not take place and now the vacancy in the cadre of Cook will be available on 01.07.2017. If at that juncture the petitioner is holding qualification and is able to cook, his candidature can be considered. He further states that as per revised staffing pattern, post of Watchman on fixed monthly salary has been newly provided for and the

proposal to fill it has been submitted to the Assistant Tribal Commissioner at Nagpur. If the proposal is allowed, the petitioner can be absorbed against that vacancy.

According to Shri Mohgaonkar, learned counsel, for the post of Cook, no separate qualification, as such, has been prescribed.

We do not wish to go into the necessity of holding of qualification for the post of Cook at this stage. The respondents have pointed out availability of post of Watchman. If the proposal is already sent by respondent Nos. 3 & 4 to the Assistant Tribal Commissioner in this respect, we direct Respondent No. 2 to see that said proposal is looked into within a period of six weeks from today.

The petitioner, if permitted by that authority, shall be appointed against that post of Watchman on fixed pay. If, however, this does not materialize, the respondents shall consider the candidature of the petitioner also for the post of Cook, whenever vacancy in that cadre becomes available.

With liberty to the petitioner to approach again, if any cause of action in the meanwhile accrues, we dispose of the present writ petition. However, there shall be no order as to costs.

JUDGE

JUDGE