

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

**WRIT PETITION NO. 4399/2014.**

Smt. Kiran Gajananrao Pande

**-VERSUS-**

The State of Maharashtra and others.

---

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 &**  
**KUM. INDIRA JAIN, JJ.**

**DATE : JUNE 15, 2016.**

Heard Shri P.S. Patil, learned Counsel for the petitioner, Shri S.B. Bissa, learned A.G.P. for respondent nos. 1 and 2 and Shri N.A. Gaikwad, learned Counsel for respondent nos. 3 and 4.

2. Shri Patil, learned counsel states that he has received submissions filed by respondent nos. 3 and 4 today only and he is seeking time to file appropriate rejoinder.

3. Learned A.G.P. is also seeking time as his instructions are still awaited.

4. During hearing we find that the husband of petitioner has expired while in employment, in the

**2**

year 2007. According to the petitioner, after his demise, she was given work in the school in Class-IV category and she continued to work till the year 2013. She was discontinued thereafter orally.

5. The learned counsel appearing on behalf of respondent nos. 3 and 4 submits that though on affidavit, specifically the contention that work was provided has not been denied, no written appointment order was given. Our attention is invited to the communication dated 26.06.2013, to urge that staff justification as per Government Resolution dated 25.11.2005 may create some problem.

6. Learned A.G.P. without prejudice to his request for adjournment, submits that the Education Officer has on 26.02.2013 itself directed respondent nos. 3 and 4 to appoint the petitioner on compassionate ground.

7. Perusal of the communication dated 26.02.2013 shows that the same is subject to the staff justification as per Government Resolution dated 25.11.2005. If the post held by the husband of the petitioner is found surplus as per that government resolution, the management may not be in a position

**3**

to fill in that post. It is this apprehension which perhaps is constraining respondent nos. 3 and 4 to tread cautiously. However, we do not wish to delve into this controversy.

8. The post which has become vacant after the demise of husband of petitioner is still not filled in. We therefore, grant petitioner leave to make appropriate representation seeking appointment orders against that post within two weeks from today. Copy of such representation shall be given to respondent no.2 Education Officer also. The respondent no.2 Education Officer shall thereafter look into the staff justification of respondent nos. 3 and 4 as prevalent in the year 2007, at the time of death of husband of petitioner and issue suitable directions afresh to respondent nos. 3 and 4. This process shall be completed within next four weeks.

9. Opportunity of hearing shall be given to the petitioner as also respondent nos. 3 and 4.

10. Writ Petition is thus, partly allowed and disposed of. No costs.

**JUDGE****JUDGE**

Order

1506WP4399.14

**4**

Rgd.