

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1442 OF 2016

Mallinath Appasaheb Gogave

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.S.R.Sirsat, advocate for the petitioner.

Mr.S.G.Karlekar, A.G.P. for Respondents No.1 and 4.

Mr.A.M.Nagargoje, advocate for Respondents No.2 and 3.

CORAM : R.M.BORDE AND

SMT. VIBHA KANKANWADI, JJ.

DATE : 07th September, 2017.

P.C. :

1 Petitioner prays for issuance of directions to the Management to appoint him on compassionate ground. Petitioner contends that his father was appointed on the post of Peon in the year 1970 in Respondent-school. He was thereafter promoted as Naik in the year 2004. Father of the petitioner passed away in the year 2009 while in employment. The petitioner as well as his mother submitted applications for appointment on compassionate ground on account of loss of sole breadwinner of the family.

2 The petitioner contends that although there was direction issued by the Education Officer to the management to consider claim of the petitioner, no heed has been paid to the directions by the Management for the reasons best known to it.

3 An affidavit-in-reply has been presented on behalf of

the Education Officer wherein it has been stated that the entry in respect of application tendered by the petitioner for appointment on compassionate ground has been recorded in the register maintained by the Education Officer in accordance with relevant policy. It is further stated that in the staffing pattern for the year 2014-2015, the posts of non teaching staff are not sanctioned and only details are given in respect of their work.

4 If at all there is vacancy in Class-IV category, it would be open for the petitioner to insist upon the management to consider his claim for appointment on compassionate ground. The Education Officer shall consider the instant petition as representation and if permissible in accordance with the relevant policy, issue directions to the management, considering availability of vacancy, to take suitable steps. If post is not available with the management, the Education Officer shall consider the claim of the petitioner in accordance with entitlement and placement of the petitioner in the seniority list prepared for appointment in any other institution on compassion.

5 With the liberty as aforesaid, writ petition stands disposed of.

SMT. VIBHA KANKANWADI
JUDGE

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R.M.BORDE
JUDGE