

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9594 OF 2016

Varsha Pralhadrao Sawale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Shrikant K. Patil, Advocate for the Petitioner.
Shri S. W. Mundhe, A.G.P. for Respondent Nos. 1 and 2.
Shri S. K. Chavan, Advocate for the Respondent No. 3.

**WITH
WRIT PETITION NO. 9097 OF 2016**

Pratap Ramrao More .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Shrikant K. Patil, Advocate for the Petitioner.
Shri S. W. Mundhe, A.G.P. for Respondent Nos. 1 and 2.
Shri U. B. Bondar, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONWANE, JJ.**

DATE : 19TH SEPTEMBER, 2017.

FINAL ORDER :

. The petitioners herein are appointed on compassionate ground on the post of Junior Assistant (Class - III). According to

Mr. Patil, the learned counsel for petitioners, the posts of Extension Officers are also vacant, however, the petitioners are appointed on the post of Junior Assistant. The petitioners are qualified to be appointed to the post of Extension Officer.

2. Mr. Chavan, the learned counsel for the respondent No. 3 in Writ Petition No. 9594 of 2016 submits that, no post is vacant for considering the appointment of the petitioner as Extension Officer. Whatever posts are available are to be filled in by promotion.

3. Mr. Bondar, the learned counsel for the respondent No. 3 in Writ Petition No. 9097 of 2016 submits that, at the relevant time when the petitioner was appointed, no post of Extension Officer was available. The petitioner as per the policy was appointed on Class III post as per his qualification. The appointment on compassionate ground can only be made on Class III or Class IV post as per the qualification. The Extension Officer as well as Junior Assistant both come in Class III category, as such petitioner cannot claim post of Extension Officer as of right.

4. We have considered the submission canvassed by learned counsel for respective parties.

5. If the petitioners have the qualification of Extension Officer, the petitioners can be considered for the said post as and

when the vacancy would arise for the said post to be filled in by a person appointed from compassionate ground and in accordance with rules. The respondents may consider the case of petitioners for the post of Extension Officer as and when vacancy arises for the said post to be filled in by nomination, from the persons appointed on compassionate ground and in accordance with law. The writ petitions accordingly are disposed of. No costs.

[K. K. SONWANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 17