

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

WRIT PETITION NO. 6634 OF 2005

Atul S/o Prabhakar Sapkale,
Age : 29 Years, Occu. : Service as,
Clerk, R/o Sawada, Tq. Raver,
District Jalgaon.

.. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
School Education Department,
Mantralaya, Mumbai - 32.
2. The Collector,
JALGAON.
3. The Education Officer (S),
Zilla Parishad, Jalgaon.
4. Sawada Municipal Council
Sawada, Tq. Raver,
Dist. Jalgaon,
Through its Chief Officer.
5. Smt. Anandibai Gambhirrao
High School, Sawada,
Tq. Raver, Dist. Jalgaon,
Through its Head Master.

.. Respondents

Shri Mahesh Deshmukh, Advocate h/f Shri D. B. Shinde,
Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 and 2.
Shri N. B. Suryawanshi, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.
DATE : 10TH AUGUST, 2017.**

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. The petitioner was appointed on compassionate ground. As approval was not granted to the appointment of the petitioner, the petitioner approached this Court. This Court under order dated 29th March, 2007 directed the Education Officer (Secondary) to grant provisional approval to the appointment of the petitioner.

2. Mr. Deshmukh, the learned counsel for the petitioner states that, pursuant to the provisional approval, the petitioner is working with the respondent No. 5.

3. We have heard Mr. Suryawanshi, the learned counsel for respondent Nos. 4 and 5, so also learned Additional Government Pleader. The only reason given for non grant of approval is that, at the relevant time there was ban on recruitment.

4. In order dated 09.02.2015 in Writ Petition No. 5732 of 2014, we had observed that, for a person to be appointed on compassionate ground, one need not go through the selection process. The petitioner is only person appointed on compassionate ground as per the policy. Considering the above,

the reason given for rejection of approval is improper and is hereby set aside. The provisional approval is already granted to the petitioner under the orders of this Court. The respondent No. 3, in case there is no other impediment, shall grant the approval to the appointment of the petitioner.

Rule accordingly is made absolute in above terms. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 17