

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

WRIT PETITION NO. 6390 OF 2015

Roshani Ramrao Shinde

...Petitioner

VERSUS

The State of Maharashtra & ors.

...Respondents

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Shri S.R.Kolhare, advocate for petitioner

Shri Y.G.Gujarathi, A.G.P. For respondent nos. 1 and 2

Shri K.T.Shirurkar, advocate for respondent no.3

Shri S.S.Deshmukh, advocate for respondent nos. 4 and 5

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 10th January, 2017

O R D E R :-

Mr. Kolhare, learned counsel for the petitioner states that the father of the petitioner was working as a Head Master with respondent no.4 School. While in service, the father of the petitioner died. The petitioner filed an application for appointment on compassionate ground. The appointment order was also issued to the petitioner on 14.6.2014

appointing the petitioner as an Assistant Teacher. The petitioner possesses eligibility for being appointed as an Assistant Teacher, however, the petitioner was not allowed to join the duties. Even the Education Officer had directed the respondents to consider the case of the petitioner.

2 We have heard learned counsel for the respondent nos. 3 and 4.

3 It is not disputed by the learned counsel for respective parties that the post which was admissible with respondent no.4 School had lapsed. As such there was no vacant post to accommodate the petitioner either in Class III or Class IV post.

4 The Education Officer has filed its affidavit-in-reply stating that he had also directed the management to accommodate the petitioner on compassionate ground. It would be

clear that the case of the petitioner for appointment on compassionate ground can be considered. The Government Resolution, dated 31.12.2002 categorically lays down that if vacancy is not available with the School where the deceased was working, then the management has to forward the proposal to the Education Officer and such person is to be kept on wait list to be maintained for appointment on compassionate ground.

5 Considering the above, we pass the following order.

Respondent no.4 shall forward the proposal of the petitioner to the Education Officer for keeping the petitioner in the wait list of the persons to be appointed on compassionate ground either in Class III or Class IV post. The said proposal shall be forwarded within four weeks from today. On receipt of said proposal from respondent no.4, the Education Officer shall place the petitioner in the wait list of the list of

candidates to be appointed on compassionate ground and as per its turn shall take steps for appointment of the petitioner on compassionate ground in the admissible post with any institution.

Writ Petition is accordingly partly allowed. No costs.

(K.L.WADANE, J.) (S.V.GANGAPURWALA, J.)

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