

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

Writ Petition No.7217 of 2016

* Shaikh Rizwan s/o Yusuf,
Age 34 years,
Occupation: Service,
R/o Sangamner,
Taluka Sangamner,
District Ahmednagar. .. **Petitioner.**

Versus

- 1) The State of Maharashtra,
Through the Principal Secretary,
School Education Department,
Mantralaya, Mumbai - 400 032.
- 2) The Education Officer (Secondary)
Zilla Parishad, Ahmednagar.
- 3) Anjuman-E-islam Trust,
Sangamner, Taluka Sangamner,
District Ahmednagar
Through its Chairman or
Secretary. .. **Respondents.**

Shri. Shivaji T. Shelke, Advocate, for petitioner

Smt. R.P. Gour, Assistant Government Pleader,
for respondent Nos.1 and 2.

Shri. S.S. Wagh, Advocate, for respondent No.3.

**Coram: T.V. NALAWADE &
SANGITRAO S. PATIL, JJ.**

Date: 15 February 2017

ORAL JUDGMENT :

1) Rule, rule made returnable forthwith.
Heard both sides by consent for final disposal.

2) The proceeding is filed to challenge the communication dated 3-5-2016 made by the respondent No.2, Education Officer by which the proposal given by the respondent No.3 to approve the appointment given to the petitioner on compassionate ground is rejected. It appears that the reason is given that his name was not included in the wait list which ought to have been prepared for the candidates who can be appointed on compassionate ground. It appears that the respondent-school has no such wait list and no other candidate was available. Further learned counsel submits that the respondent is a minority institution and the Education Officer ought to have considered this circumstance.

3) Learned Assistant Government Pleader submitted that the Education Officer needs to

follow the procedure given in Government Resolution dated 13-7-2016 and the matter needs to be scrutinized. In view of this statement and the aforesaid circumstances the decision given by the Education Officer is hereby set aside and the matter is remanded back to the Education Officer for reconsideration. The decision is to be taken within 45 days from today. In those terms rule is made absolute and the petition stands disposed of.

Sd/-
(SANGITRAO S. PATIL, J.)

Sd/-
(T.V. NALAWADE, J.)

rs1