

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

BENCH AT AURANGABAD.

WRIT PETITION NO.7962 OF 2016

Smt.Chhaya Avinash Mahajan ... Petitioner.

Versus

The State of Maharashtra
and another. ... Respondents.

...
Mr.V.P.Patil, advocate for the petitioner.
Mr.C.S.Kulkarni, A.G.P. for the State.
Mr.A.P.Deshmukh, advocate holding for
Mr.S.S.Deshmukh, advocate for Respondent No.3.

...

**CORAM : S.V.GANGAPURWALA AND
S.M.GAVHANE, JJ.**

Date : 27.11.2017.

PER COURT :

1. Mr.Patil, learned counsel for the petitioner states that the husband of the petitioner No.1 and father of the petitioner No.2 died while in service of Respondent No.3 School on 13.5.2008. Application is given for appointment on compassionate ground of petitioner

No.2. The same is not granted on the ground that no vacancy exist.

2. Learned counsel for the Management submits that as per staffing pattern, there are three posts excess for class IV and Class III and those persons are declared surplus. There is no vacant post available.

3. In view of the fact that vacancy does not exist with Respondent No.3 School, at present no directions can be given to Respondent No.3 to accommodate the petitioner.

4. We have considered the submissions. In case vacancy does not exist with Respondent No.3, then Respondent No.3 can forward the application/ proposal received from the petitioner for appointment on compassionate ground to the Education Officer. The Education Officer by following the guidelines as laid down in the government resolution dated 31.12.2002 (with its annexures) shall keep the petitioner in the wait list for the appointments to be made on

compassionate ground. As and when vacancy arises the Education Officer can direct the respondent No.3 institution or any other institution where vacancy has arisen to accommodate the petitioner by following the guidelines laid down in the government resolution dated 31.12.2002 and in case the petitioner is otherwise eligible. The Respondent No.3 shall forward the said proposal which is already pending with it within a period of six weeks.

5. In case the petitioner is not accommodated on compassionate ground as directed above and in the meantime the vacancy occurs with the Respondent No.3 then Respondent No.3 shall consider the case of the petitioner for appointment on compassionate ground on the vacant post that may arise.

6. The Writ Petition is disposed of. No costs.

(S.M.GAVHANE, J.)

(S.V.GANGAPURWALA, J.)

