

Writ Petition No.7532 of 2016

.. Petitioners.

- 1) The State of Maharashtra,
Through Secretary,
Education Department
(Secondary), Mantralaya,
Mumbai - 32.
- 2) The Deputy Director of Education,
Nashik Division, Nashik.
- 3) The Education Officer (Secondary)
Zill Parishad, Jalgaon.
- 4) The President,
Jamner Taluka Education Society,
Jamner, Taluka Jamner,
District Jalgaon.
- 5) The Secretary,
Jamner Taluka Education Society,
Jamner, Taluka Jamner,
District Jalgaon.

- 6) The Head Master,
Nutan Prathamik Vidyamandir,
Jamner, Taluka Jamner,
District Jalgaon. .. **Respondents.**

Shri. S.R. Dheple, Advocate, for petitioner.

Smt. R.P. Gour, Assistant Government Pleader,
for respondent Nos.1 to 3.

Respondent Nos.4 to 6 - served - absent.

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

Date: 27 February 2017

ORAL JUDGMENT:

1) Rule, rule made returnable forthwith.
By consent, heard both sides for final disposal.

2) The present petition is filed for giving directions to the respondents to give appointment to petitioner No.2 on the post of Clerk on compassionate ground. Father of petitioner No.2 was working as Assistant Teacher with respondent Nos.4 to 6. These respondents are duly served but they have not turned up. The father of petitioner No.2 died on 12-2-2015. Immediately application was moved for getting appointment on

compassionate ground on the aforesaid post by the petitioner. It is the grievance of the petitioner that the applications were made on 4-4-2015 and on 10-3-2016 but nothing is informed to the petitioner about the decision taken on the applications.

3) Learned counsel for the petitioners produced copy of Government Resolution dated 31 December 2002 which is made applicable to the cases like the present one. This Government Resolution shows that when other conditions are satisfied, the Education Officer is required to prepare a wait list as per seniority of the applications and then use the wait list for giving appointment as per the seniority. Thus applications received in all the schools within his jurisdiction are to be considered by him for preparing the wait list and it is applicable to the schools receiving grant-in-aid and the schools which are not receiving grants-in-aid.

4) As one application was given to the Education Officer and as it is possible that the school had not processed the application which was filed with it when it was bound to do so, as per the directions given in the aforesaid Government Resolution, this Court holds that necessary directions need to be given to the school and also to the Education Officer.

5) In the result, the petition is allowed. The respondent Nos.4 to 6 are hereby directed to process and forward the application given by the petitioners to the Education Officer and the Education Officer is to take decision on that proposal on the basis of the aforesaid Government Resolution and other relevant Government Resolutions. It is to be done by the school within one month from today and then within two months thereafter by the Education Officer. Rule made absolute in the aforesaid terms.

Sd/-

(SANGITRAO S. PATIL, J.)

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Sd/-

(T.V. NALWADE, J.)