

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8216 OF 2016

Mayur Bhimsing More,
Age : 27 years, Occu. Nil,
R/o Songir, Taluka and
District Dhule

PETITIONER

VERSUS

1. The State of Maharashtra,
through Secretary,
Education Department,
Mantralaya, Mumbai
2. The Education Officer (Secondary),
Zilla Parishad, Dhule,
Taluka and District Dhule
3. The President,
Songir Vidya Prasarak Mandal,
Songir, Taluka and District Dhule
Mr. Chetan Nathu Bagul,
R/o Bagul Sankul, Near Datta Mandir,
Deopur, Dhule, Taluka and
District Dhule
4. The Head Master,
N.G. Bagul High School,
Songir, Taluka and
District Dhule

RESPONDENTS

Mr. Amol S. Sawant, Advocate for the Petitioner
Mr. S.B. Joshi, A.G.P. for respondent Nos. 1 and 2
Mr. M.S. Deshmukh, Advocate for respondent Nos. 3 and 4

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**

DATE : 23rd FEBRUARY, 2017

ORAL JUDGMENT (PER : T.V. NALAWADE, J.) :

Rule, returnable forthwith. With the consent of the learned counsels for the parties, heard finally.

2. The petition is filed seeking directions to the respondents, either to give appointment on compassionate ground to the petitioner within stipulated period or to pass other appropriate orders.

3. The father of the petitioner was working as an Assistant Teacher with respondent Nos. 3 and 4. Since he died during his employment with the said respondents, an application was submitted by the petitioner to the respondents on 22nd October, 2011, requesting them to appoint him on compassionate ground. It appears that at the relevant time, the petitioner had passed H.S.C. Examination. It is the grievance of the petitioner that till this date, his claim for appointment on compassionate ground is not considered, neither his proposal is forwarded to the Authority.

4. The learned counsel for respondent Nos. 3 and 4 – Institution submits that there was Administrator on the Institute till the year 2011 and thus, at the

relevant time, the present Management was not having control over the Institute.

5. The learned counsel for the petitioner drew our attention to the Government Resolution dated 31st December, 2002 and submitted that even if there is no vacancy, the proposal needs to be forwarded to the concerned Authority so that the same is processed as per the aforesaid Government Resolution. This submission was made due to the argument advanced on behalf of the Institute that at present there is no vacancy either of teaching staff or non-teaching staff.

6. Considering the facts and circumstances of this case, we are of the opinion that the proposal in respect of the appointment of the petitioner on compassionate ground needs to be forwarded by respondent Nos. 3 and 4 to the Authority concerned for consideration. We accordingly direct respondent Nos. 3 and 4 to forward the proposal of the petitioner to the Authority concerned for consideration thereof in accordance with the relevant Rules and the Government Resolution/s. If the original application submitted by the petitioner is not available, a copy thereof be obtained from the

petitioner and after receipt thereof, the same shall be forwarded by respondent Nos. 3 and 4 to the concerned Authority for consideration, as directed above. The Rule is made absolute on those terms. The compliance of this order shall be made within a period of two months from today. The Writ Petition stands disposed of accordingly. No costs.

Sd/-
[**SANGITRAO S. PATIL**]
JUDGE

Sd/-
[**T.V. NALAWADE**]
JUDGE

npj/wp8216-2016