

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

WRIT PETITION NO. 9326 OF 2016

Pushpa Wd/o Balasaheb Khodde .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. T. Shelke, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 and 2.

Shri S. S. Wagh, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : 12TH APRIL, 2017.

PER COURT :

. Mr. Shelke, the learned counsel for the petitioner submits that, the petitioner was appointed on compassionate ground on 02.02.2016. The respondent institution forwarded proposal seeking approval to the appointment of the petitioner as a peon. The same is rejected only on the ground of Government Resolution dated 22.03.2012. According to the learned counsel, the subsequent G. R. has not been considered.

2. The learned Additional Government Pleader submits that the petitioner could not have been appointed on compassionate ground in view of G. R. dated 22.03.2012. The relaxation was

given only in respect of those candidates, whose names were appearing in the wait list for being appointed on compassionate ground. At the relevant time name of the petitioner was not in the wait list.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. It appears that, under G. R. dated 01.03.2014, 10% of the posts are allowed to be filled in by appointment on compassionate ground.

5. Be that as it may, the list maintained by the Education Officer would be different. The vacancy was available in the respondent No. 3 institution and upon the death of the husband of the petitioner, the petitioner is appointed on compassionate ground. There was no other candidate to be appointed on compassionate ground in the said institution.

6. Considering the above, the impugned order is quashed and set aside. The Education Officer shall consider the proposal seeking approval to the appointment of the petitioner on compassionate ground afresh on its own merits and shall not reject it on the ground on which the impugned order is passed. The same shall be done expeditiously and preferably within a

period of three (03) months from today. The writ petition is disposed of. No costs.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 17