

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10057 OF 2016

Dhananjay Madhukar Vaidya

.. **Petitioner**

Versus

Janata Shikshan Prasarak Mandal
and others

.. **Respondents**

Shri L. V. Sangeet, Advocate for the Petitioner.

Shri K. D. Mundhe, A. G. P. for Respondent Nos. 3 and 4.

Shri Amol N. Kakade, Advocate for Respondent Nos. 1A and 2.

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

DATE : 7th November, 2017

PER COURT :

1. The petitioner has applied with the respondent – Institution seeking appointment on compassionate ground for the post of Assistant Teacher, on the ground that his father was working as an Assistant Teacher and he died while in service.

2. Mr. Sangeet, the learned counsel submits that the petitioner has got the necessary qualification of H.S.C. D.Ed. and is entitled to be appointed on compassionate ground.

3. Mr. Kakade, the learned counsel submits that there are 5 posts available for Assistant Teacher 3 are meant for B.Ed. qualification and 2 are meant for D. Ed. qualification. All the posts are filled in. The approval of the Teachers who are appointed on D.Ed. Posts were rejected. The candidates have filed writ petition and this court has remitted the matter to the Education Officer for reconsideration. In case the vacancy arises, the petitioner would be considered for appointment on the post of Assistant Teacher in the D.Ed. scale. However, the same would be dependent upon the vacancy being available.

4. It is only if the vacancy is available, the petitioner can be considered for appointment on compassionate ground.

5. Today it is submitted that the post is not vacant and 2 persons who are appointed on D.Ed. scale, their proposals are pending with the Education Officer.

6. In such an event, the Education Officer has to maintain the list of candidates to be given appointment on compassionate ground, more particularly as per the Government Resolution dated 31st December, 2002.

7. The respondent Nos. 1 and 2 shall forward the name of the petitioner to the Education officer, seeking appointment on compassionate ground. The Education Officer shall keep the

petitioner in the wait list of the persons to be appointed on compassionate ground against the vacancy that would be available in any Institution and shall take steps to appoint the petitioner as per his turn on compassionate ground in any other recognized Institution. In case, the vacancy arises with respondent Nos. 1 and 2 the respondent Nos. 1 and 2 shall accommodate the petitioner on compassionate ground, as per the statement made by them.

8. With these observations, the writ petition is disposed of.
No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

marathe/Nov.17