

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

Writ Petition No. 10249 of 2016

* Rohini d/o Yuvraj Patil,
Age 32 years,
Occupation: Household,
R/o Plot No.15, Vinod Nagar,
Deopur, Dhule,
Taluka and District Dhule. .. **Petitioner.**

Versus

- 1) The State of Maharashtra,
Through Secretary,
School Education Department,
Mantralaya, Mumbai - 32.
- 2) The Education Officer (Secondary),
Zilla Parishad, Dhule,
Taluka and District Dhule.
- 3) Shri Shivaji Vidya Prasarak
Sanstha, Dhule,
Taluka and District Dhule
Through its Chairman.
- 4) Chhatrapati Shivaji High School
and Junior College, Dhule,
Taluka and District Dhule
Through Principal. .. **Respondents.**

Shri. Shailesh P. Brahme, Advocate, for
petitioner.

Shri. S.B. Joshi, Assistant Government Pleader,
for respondent Nos.1 and 2.

Shri. Y.P. Deshmukh, Advocate, for respondent
Nos.3 and 4.

**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 petition is filed for giving directions to the respondent Nos.3 and 4 for processing the application filed by the present petitioner for getting appointment as a teacher on compassionate ground. Both the sides are heard.

3) The submissions made show that the father of the petitioner was Assistant Teacher with respondent No.3 and 4. He died while in service on 2-8-2011. Application for getting appointment on compassionate ground was made by the petitioner, daughter of the deceased on 10-9-2011. She is M.A.B.Ed and married. It is her grievance that the employer is not processing the

matter and due to that she does not know as to where she stands. The learned counsel for the petitioner has placed reliance on various Government Resolutions and particularly the Government Resolutions dated 26 February 2013 and 17 November 2016 showing that even married daughter can be considered for giving appointment on compassionate ground.

4) Learned counsel for the employer produced on record a copy of wait list prepared by the institution. He submitted that, the present petitioner will be standing at Sr. No.22 as there were already many applications pending with the institution. The submission made do not show that the matters were processed and any seniority list is prepared by the Education Department. The matter needs to be processed so that the Education Officer comes to know about such claims and the entitlement of the claimants. As such process is not done, this court holds directions need to be given to the respondent

Nos.3 and 4 to process the matter, send it to the Education Officer. In turn, the Education Officer is to take decision on the entitlement and take further steps as per the relevant Government Resolutions.

5) In the result, the petition is allowed. Direction is given to respondent Nos.3 and 4 to process the matter of the petitioner. This process is to be done within one month from today and the decision is to be taken by the Education Officer within two months thereafter. Rule made absolute in those terms.

Sd/-
(SANGITRAO S. PATIL, J.)

Sd/-
(T.V. NALAWADE, J.)

rs1