

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2089 OF 2017

Hemangi Ramesh Mahajan Vs. The State of Maharashtra and others.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.D.Pawar, advocate for the petitioner.
Mr.Y.G.Gujrathi, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 14.02.2017.

PER COURT :

1. Heard.
2. Learned A.G.P. accepts notice for Respondent Nos.1 and 2.
3. Mr.Pawar, learned counsel for the petitioner states that petitioner was appointed on compassionate ground by the Respondent No.3. The proposal seeking appointment of the petitioner on compassionate ground was forwarded to the Education Officer. The Education Officer rejected it on the ground that the permission of the Committee was not taken and the surplus teachers are yet to be absorbed. According to the learned counsel, as petitioner was appointed on compassionate ground, the said restriction would not apply.

4. Learned A.G.P. states that the surplus teachers are to be absorbed. The procedure is to be followed. In absence thereof, the Education Officer has not committed any error in rejecting the same.

5. We have considered the submissions.

6. 10% of the posts can be filled in by appointments on compassionate ground. For making appointment on compassionate ground regular selection process is not required to be adhered to. In view of that the grounds on which the proposal is rejected can not sustain.

7. In light of the above, the impugned order is quashed and set aside. The Respondent Education Officer shall reconsider the proposal forwarded to it seeking approval to the appointment of the petitioner on compassionate ground on its own merits and shall not reject it on the grounds on which the impugned order is passed. The said proposal be decided expeditiously, preferably within four (4) months.

8. The Writ Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.14.02.2017.
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