

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1272 OF 2016

Smt. Manisha wd/o Vishwanath Patil

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. B.S. Deshmukh, advocate for petitioner.

Mr. P.N. Kutti, A.G.P. for respondents 1 and 2.

Mr. P.B. Patil, advocate for respondents 3 and 4.

CORAM : R.M.BORDE &

K.K. SONAWANE, JJ.

DATE : 22nd FEBRUARY, 2018

PER COURT:

1. Petitioner is praying for issuance of directions to respondents 2 to 4 to consider her claim for appointment on compassionate ground.

2. Husband of petitioner was in employment with the school operated by respondent no. 3 and was serving as Assistant Teacher. After his demise, petitioner tendered application seeking employment as untrained Assistant Teacher. Since petitioner did not possess the requisite qualification, her claim was not considered. The name of petitioner had been enlisted in the waiting list maintained by the Social Welfare Department. Petitioner contends that she ought to have been appointed as an untrained Assistant Teacher and the appointment of respondent no. 5 is illegal.

3. Since petitioner did not possess the requisite qualification, she cannot claim employment as a teacher. It is not disputed that on the date of occurrence of the vacancy, petitioner did not have the requisite training qualification. The post occupied by the husband of petitioner has been filled in by appointing a person holding the requisite qualification.

4. Affidavit in reply has been presented on behalf of the State wherein it has been recorded that the name of the petitioner has been enlisted in the waiting list for the purpose of offering employment on compassionate ground. It shall be obligatory for the respondents to consider the claim of petitioner as and when vacancy arises and in accordance with the placement in the Districtwise seniority list.

5. For the reasons recorded above, no interference is called for in the instant petition. The petition is without substance hence stands rejected.

6. Pending civil application, if any, does not survive and stands disposed of.

K. K. SONAWANE
JUDGE

R.M.BORDE
JUDGE