

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3332 OF 2017

Sagar Laxman Patil

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Vinod Prakash Patil, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 2.

Shri V. B. Jagtap h/f Shri V. D. Sapkal, Advocate for Respondent Nos. 3 and 4.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVALA, JJ.

DATE : **15th February, 2018**

PER COURT :

1. The petitioner seeks appointment on compassionate ground.

2. We have heard learned Advocate for the petitioner, learned A.G.P. for respondent Nos. 1 and 2 and learned Advocate for Respondent Nos. 3 and 4.

3. The father of the petitioner was serving as an Assistant Teacher with the respondent No. 4 and while in service died on 10.2.2012. The petitioner applied for appointment on compassionate ground on 4.8.2012. However, the said proposal is not considered by the respondents.

4. According to the learned Advocate for respondent Nos. 3 and 4, the respondents would forward the proposal of the petitioner to the Education Officer and it is for the Education Officer to accommodate the petitioner.

5. We had asked the learned Advocate for respondent Nos. 3 and 4 about the existence of the vacancy with respondent No. 4. The learned Advocate for respondent Nos. 3 and 4, on instructions, states that one post of 'Peon' is vacant with respondent No. 4.

6. In view of that, the petitioner would be entitled for appointment as a 'Peon' on the vacant post. The ban on recruitment would not apply to the appointment on compassionate ground.

7. In view of that, the respondent Nos. 3 and 4 shall issue appointment order to the petitioner as a 'Peon' in the respondent No. 4 – institution on the vacant post. The same shall be done expeditiously and preferably within a period of four (4) weeks.

8. The writ petition is accordingly allowed. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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