

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2131 OF 2017

Savitrabai Dnyandeo Sontakke

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Pratap G. Rodge, Advocate for Petitioner.

Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 and 3.

Shri Vitthal G. Salgare, Advocate for Respondent Nos. 4 and 5.

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

DATE : 20th March, 2018

PER COURT :

1. The petitioner sought appointment on compassionate ground by filing of application dated 3rd January, 2015, on account of the death of her husband on 3rd November, 2014, while in service with respondent No. 5.

2. We have heard the learned advocate for the petitioner, the learned A.G.P. and the learned advocate for the respondents.

3. According to the respondents, the post on which the husband of the petitioner was working was subsequently

declared as surplus and there is no vacancy available with the respondent - institution. According to the respondents they have not filled in any post of 'Peon' after the death of husband of the petitioner.

4. In such situation, the Government Resolution dated 31st December, 2002, would be relevant. In case, the vacancy does not exist with the parent institution, then the management has to forward the proposal to the Education Officer and the Education Officer shall place the name of such person in the wait list of the persons to be appointed on compassionate ground, as per the seniority in the wait list.

5. The respondent No. 5 shall forward the proposal with regard to the claim of the petitioner for appointment on compassionate ground to the Education Officer. The Education Officer shall process the said proposal and after he finds everything in order shall place the petitioner in the wait list of the persons to be appointed on compassionate ground and shall take steps as per the Government Resolution dated 31st December, 2002.

6. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]
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[S. V. GANGAPURWALA, J.]