

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

WRIT PETITION NO. 3777 OF 2016

Kanhaiyalal Laxman Bhagat .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Arvind G. Ambetkar, Advocate for the Petitioner.
Shri S. B. Pulkundwar, A.G.P. for the Respondent No. 1.
Shri S. T. Shelke, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
S. M. GAVHANE, JJ.**

DATE : 08TH OCTOBER, 2018.

FINAL ORDER :

. Mr. Ambetkar, the learned counsel for the petitioner submits that, on account of death of the brother of the petitioner, the petitioner had applied for appointment on compassionate ground in the year 2011. The petitioner had applied for appointment on any Class III or Class IV post. The junior to the petitioner namely Smt. Lande Sarla Rohidas who had applied in the year 2015 is appointed, whereas the application of the petitioner of the year 2011 is kept pending. The petitioner has completed 44 years and 08 months age. There are many posts of Assistant to Civil Engineer vacant. The learned counsel submits that, the petitioner can be accommodated on any post. He is

ready to work on any post of Class IV also.

2. Mr. Shelke, the learned counsel for the respondent No. 2 submits that, Smt. Lande Sarla Rohidas is appointed on the post of Parichar on 21.09.2016. Prior to that on 13.02.2016, the petitioner had given an application that he has improved his qualification for the post of Assistant to Civil Engineer. In view of that, the petitioner was considered for appointment to the post of Assistant to Civil Engineer. Seven posts were available. Six persons who were senior to the petitioner in the wait list are appointed. If the petitioner would not have given application on 13.02.2016, probably the claim of the petitioner could have been considered.

3. It is submitted by the respondent No. 2 that, the petitioner today stands at Sr. No. 90 in the seniority list of the persons to be appointed on compassionate ground. It is only if permission is granted by the Government, process can be undertaken by the Zilla Parishad for regular appointments. The appointment on compassionate ground would also be considered.

4. There are other senior persons in the wait list than the petitioner, who are waiting for appointment on compassionate ground. They had applied since the year 2006, 2007, 2008, 2009, 2010.

5. As there are others who are senior to the petitioner in the wait list, it will not be possible for us to give specific directions to the Zilla Parishad to appoint the petitioner by jumping seniority.

6. However, whenever respondent No. 2 fill in the post of Class III and Class IV, the respondent No. 2 shall consider the petitioner for appointment commensurate to his qualification and for the post of Class III or Class IV in accordance with the rules. With these observations writ petition is disposed of. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

bsb / Oct. 18

Bhalchandra
Sudhakar
Bodke

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