

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

WRIT PETITION NO.8260 OF 2016

Mohammad Junaid s/o. Shaikh
Usman Pinjari (Mansuri) ..Petitioner

Vs.

The State of Maharashtra
and others ..Respondents

Mrs.Jayshri Reddy, Advocate for petitioner

Mr.S.B.Joshi, AGP for respondent nos.1 to 3 and 5

Mr.S.S.Kazi, Advocate for respondent no.6

Mr.P.R.Katneshwarkar, Advocate for respondent no.8

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.
DATE : DECEMBER 10, 2018**

PER COURT

Heard the learned Counsel for the petitioner,
the learned AGP for respondent nos.1 to 3 and 8 and
the learned Counsel for respondent nos.6 and 8.

2. The petitioner is seeking appointment on compassionate ground. The grievance of the petitioner is that his father died on 14.12.2014 while in service with the respondent as Junior Clerk. However, the case of the petitioner has not been considered. In the interregnum, respondent no.8 came to be appointed as a Clerk. According to the learned Counsel for the petitioner, the petitioner had filed an application immediately. However, the same was not accepted. Thereafter, the petitioner had approached the respondent – authority. The respondent authority directed the respondent – Institution to appoint the petitioner. However, the respondent – Institution did not comply with those directions.

3. Learned Counsel for the respondent – Institution submits that the Institution did not receive the application of the petitioner within the prescribed period of limitation and it was received subsequently, after the selection process had commenced.

4. The learned Counsel for respondent no.8 submits that pursuant to the advertisement, respondent no.8 has been selected.

5. There is no dispute with regard to the date on which, the petitioner had submitted the application seeking appointment on compassionate ground. It appears that there does not appear to be any vacancy at present with the respondent - Institution.

6. In the light of that, respondent no.7 - Institution shall forward the proposal to the Education Officer for appointment of the petitioner on compassionate ground within four weeks from today. The Education Officer shall maintain the name of the petitioner in the wait list of the persons to be appointed on compassionate ground. The Education Officer shall direct appointment of the petitioner to be made in respondent no.7 - Institution or in any

other institution, in case vacancy arises, as per the turn of the petitioner.

7. With the above directions, the Writ Petition stands disposed of. No costs.

[R.G. AVACHAT, J.]

[S.V. GANGAPURWALA, J.]

kbp