

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3920 OF 2017

Smt. Karuna Motiram Jadhav

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Anand V. Patil Indrale, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 3.

Shri Dhananjay M. Shinde, Advocate for Respondent Nos. 4 & 5.

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

DATE : 15th February, 2018

PER COURT :

1. Mr. Patil, learned Advocate submits that husband of the petitioner was working as a Assistant Teacher with the respondent – institution. While in service he died on 14.4.2015. The petitioner on 14.5.2015 filed an application with the respondent - institution seeking appointment on compassionate ground as a 'Shikshan Sevak'. The petitioner is qualified and possesses qualification of B.A.B.Ed. According to the learned Advocate, when the petitioner filed an application seeking

appointment on compassionate ground, two posts of Assistant Teachers were vacant. After the application of the petitioner, the management filled in the two posts, thereby depriving the right of the petitioner.

2. Mr. Shinde, learned Advocate for the institution submits that two persons appointed as Shikshan Sevaks on 15.6.2015 and 15.6.2016 were for Maths subject. The petitioner is qualified to teach Hindi and History subject. The posts for the said subject were not vacant and one post shown as vacant at Serial No. 20 in the seniority list is also filled and the post was also not meant for Hindi and History subject.

3. The husband of the petitioner was also teaching Maths subject.

4. We have heard learned A.G.P. also, who submits that if the proposal is submitted by the institution, the Education Officer will consider the same.

5. The school is from 5th to 10th standard. The teachers

appointed to teach 8th to 10th standards are to be appointed subjectwise. It is stated that the two persons appointed as Shikshan Sevaks were appointed on 15.6.2015 and 15.6.2016 are for Maths subject and the petitioner is qualified to teach Hindi and History subject. The husband of the petitioner was teaching Maths subject.

6. In case, the vacancy exist with the respondent – institution for the post of 'Shikshan Sevak', then the respondent - institution shall consider the case of the petitioner for appointment on compassionate ground on the said post.

7. In case, the vacancy does not exist with the respondent - institution, then the management of the institution shall forward the proposal of the petitioner for appointment on compassionate ground to the Education Officer. The Education Officer on receipt of the proposal shall maintain the name of the petitioner in the Wait List for appointment on compassionate ground and take steps accordingly.

8. The said exercise shall be done within six (6) weeks.

9. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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