

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

WRIT PETITION NO. 4654 OF 2017

Ujjwala w/o Madhukar Kolhe

..Petitioner

Versus

Sahyadri Bahujan Vidya Prasarak
and ors.

..Respondents

Mr L.V. Sangit, Advocate h/f Mrs M.L. Sangit, Advocate for petitioner
Mr S.T. Shelke, Advocate for respondent no.1
Mr A.V.Deshmukh, A.G.P. for respondents no.3 and 4

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

DATE : 25th January 2018

PER COURT

1. The petitioner seeks direction against the respondents to appoint the petitioner as an Assistant Teacher on compassionate ground.

2. Learned Counsel for petitioner Mr Sangit relies on Government Resolution dated 31.12.2002 to contend that petitioner ought to have been appointed as Assistant Teacher having requisite qualification for the post of Assistant Teacher. The petitioner's qualification is B.A., B.Ed., however, the petitioner is appointed as a Junior Clerk. The same is erroneous. He further submits that even after the Government Resolution dated 10.6.2005, a person from the non-teaching staff can be appointed as Shikshan Sevak.

3. Learned Counsel Mr Shelke and Mr Deshmukh, learned A.G.P. for the respondents submit that the petitioner is appointed in Class-III post and certainly cannot be again given another appointment in the same class.

4. We have considered the submissions. It appears that initially, when the petitioner made an application in the year 2005, the petitioner possessed qualification as Xth Standard failed. The petitioner was appointed as a Peon. Subsequently, in the year 2010, he was appointed as a Junior Clerk. As the services of the petitioner were not approved as a Junior Clerk, he approached this Court by filing Writ Petition No.5732/2014 and by the order dated 9.2.2015 the impugned order therein was set aside and directions were issued to Education Officer to consider the proposal of the petitioner for approval of his services on its own merits. Thereafter, services of the petitioner are approved as Junior Clerk. The post of Junior Clerk and Assistant Teacher are class-III posts. Even, on the date of application, petitioner was not possessing the qualification of Assistant Teacher. In light of that, the case of the petitioner cannot be considered.

5. The reliance placed on Government Resolution dated 10.6.2005 would not be applicable for compassionate appointment, but the same is on altogether different premises. There may be other persons in non-teaching staff posts, seeking appointment as Assistant Teacher. In view of that the petitioner may raise the grievance in appropriate manner before the appropriate authority.

6. Writ Petition accordingly disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)