

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

WRIT PETITION NO. 7995 OF 2017

Indubai W/o Balasaheb Khandare ... Petitioner

VERSUS

The State of Maharashtra & Ors. ... Respondents

.....
Mr Pravin S. Dighe, Advocate for the petitioner
Mrs Vaishali N. Patil-Jadhav, AGP for respondent/State
.....

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

DATE : 30TH JANUARY, 2018.

ORDER:

1. Mr Dighe, learned counsel for the petitioner submits that, the Dy. Director of Education has rejected the proposal of the petitioner seeking appointment on compassionate ground only on the ground that after the cut off date the petitioner has begotten third child. The learned counsel submits that, the order of the Dy. Director is not in conformity with the judgment of the Division Bench of this Court at Nagpur in Writ Petition No. 1841 of 2015, dt. 19.11.2015.

2. Learned AGP relies on the Government Resolution dt. 07.04.2001 and submits that, the GR dt. 28.02.2001 is made applicable to the universities and the aided private colleges also.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. Before the Division Bench of Nagpur in Writ Petition No. 1841/2015, the GR dt. 20.03.2001 was the subject matter for consideration. However, from the order it transpires that, GR dt. 07.04.2001 and 31.10.2001 were not brought to the notice of the Court. The subsequent GR may also make the condition in GR dt.28.02.2001 applicable to universities and aided private colleges. The person having third child after the cut off date is ineligible to seek appointment on compassionate ground. It is not disputed that the petitioner has a third child born after the cut off date.

5. In light of the above, no case is made out. Writ Petition is dismissed. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde