

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

WRIT PETITION NO. 8438 OF 2017

Dineshsinh Ramsinh Suryawanshi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Anandsingh Bayas, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 to 3.

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

DATE : 28TH FEBRUARY, 2018.

FINAL ORDER :

. The proposal seeking approval to the appointment of the petitioner as clerk on compassionate ground is rejected. The proposal is rejected on the ground that, there was ban on recruitment as per Government Resolution dated 02.05.2012.

2. We have held that the ban on recruitment does not apply to the appointment on compassionate ground.

3. In the affidavit in reply the Education Officer has taken a ground that the name of the petitioner was not included in the seniority list of the persons to be considered for giving appointment on compassionate ground, however, it would be seen

that, the Education Officer (Secondary) under letter dated 29.07.2015 has directed the institution to issue appointment order to the petitioner and to forward the proposal. The Education Officer now cannot take a contrary stand.

4. In the light of the above, impugned order is quashed and set aside. The respondent No. 3/Education Officer (Secondary) shall consider the proposal seeking approval to the appointment of the petitioner on compassionate ground on its own merits and shall not reject it on the ground that there was ban on recruitment or that the petitioner was not recommended by the Education Officer or that his name was not included in the seniority list of persons to be appointed on compassionate ground. Same shall be done expeditiously and preferably within a period of four (04) months from today. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]