

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7147 OF 2010

Shaikh Hussain Shaikh Abdul Razzak .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri. Vivek Dhage, Advocate for Petitioner.

Shri. S.P. Sonpawale, A.G.P. for Respondent Nos. 1 to 5.

Shri. V. D. Salunke, Advocate for Respondent No. 6.

CORAM : S.V. GANGAPURWALA AND
S. M. GAVHANE, JJ.

DATED : 12th October, 2018

PER COURT:

. The petitioner seeks appointment on compassionate ground. Mr. Dhage, the learned counsel submits that the mother of the petitioner was working as a Cook with Respondent No. 6. The mother of the petitioner died on 28.11.2008 while in service. The mother of the petitioner rendered

28 years service. According to the learned counsel immediately the petitioner made an application with the Respondent No. 6 for appointment on compassionate ground. However, the same is not considered. The Respondent No. 3 also wrote a letter to Respondent No. 6 regarding appointment on compassionate ground. The requests of the petitioner is not considered.

2. The learned counsel for the Respondent No. 6 submits that there is no vacancy available with Respondent No. 6 for class IV post.

3. We have also heard the learned A.G.P.

4. In case, there is no vacancy available with the institution where the parents of the candidate were working, then in such circumstance the Government Resolution dated 31.12.2002 would apply and the procedure as contemplated in Government Resolution dated 31.12.2002 will have to be adhered too.

5. It is also fact that the post of Cook can not be given hereditary basis. The person should know the said job.

6. Considering the statement made by the learned counsel for Respondent No. 6 about non availability of the class IV post, we pass the following order.

7. The Respondent No. 6 shall forward the proposal of the petitioner seeking appointment on compassionate ground to Respondent Nos. 4 and 5. The Respondent Nos. 4 and 5 shall keep the petitioner in the wait list of the candidate to be appointed on compassionate ground as and when vacancy arises as per turn. The Respondent Nos. 4 and 5 may issue orders to accommodate the petitioner as and when vacancy arises and as per the turn of the petitioner and as may be permissible in law. Writ petition accordingly stands disposed of. Rule accordingly discharged. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

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