

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

48 WRIT PETITION NO. 11507 OF 2016

SUNITA VILAS SHINDE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. S. T. Shelke h/f. Mr. Shirinivas S. Wagh,
Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, AGP for Respondents-State.

Mr. S. V. Adwant, Advocate for Respondent Nos.1 and
2.

Mr. Vinayak Sudhakar Bedre, Advocate for Respondent
No.3.

...

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 02nd JULY, 2018.

PER COURT:-

1. The petitioner seeks appointment on compassionate ground. According to Mr. Shelke, learned counsel for the petitioner, the husband of the petitioner was working as clerk with the respondent-institution. During his service, in year 2014, the husband of the petitioner died. The petitioner immediately applied for appointment on compassionate ground. One Mr. Tambe was promoted as clerk, as such, the post of peon became vacant. Even, the post of Lab Attendant is vacant, however, the same is not being considered. Representation dated 22.04.2016 is pending with the Institution, the same is not considered.

(2)

2. Mr. Bedre, learned counsel for respondent no.3 submits that Mr. Tambe was promoted as Clerk, but his appointment as Clerk was not approved, as such, he was again relegated to the post of Peon. In view of that, post is not vacant.

3. Mrs. Gondhalekar, learned Addl.G.P. submits that the staffing pattern with regard to non-teaching staff has not yet been finalized.

4. The respondent-institution shall consider the representation filed by the petitioner (Exhibit-H) for the vacant post, as may be admissible. The respondent-institution shall not fill in the post till the representation of the petitioner for appointment on compassionate ground is considered and decision taken upon it. The representation shall be decided within three months.

5. With these observations, writ petition is disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE