

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

WRIT PETITION NO. 319 OF 2017

Seva Sahakari Shikshan Prasarak Mandal
Through Its President Vadilal Parsharam Rathod
and Another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri. S. S. Patil, Advocate for Petitioners.

Shri. S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 4.

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

DATED : 04th May, 2018

PER COURT:

. Leave to add Smt. Pooja Rangrao Rathod, as Petitioner No. 3.
Amendment to be carried out forthwith.

2. The proposal seeking approval to the appointment of Petitioner No. 3
is rejected on the ground that unless 100% surplus candidates are

absorbed, new appointment could not have been made.

3. It is contended that Petitioner No. 3 is appointed on compassionate ground as a Peon on account of the death of her husband Yuvraj, who was working with the Petitioner Nos. 1 and 2 – Institution.

4. It is trite that the ban on recruitment would not apply to the appointment on compassionate ground.

5. In light of the above, the impugned order is quashed and set aside. The Respondent – authority shall re-consider the proposal seeking approval to the appointment of Petitioner No. 2 on its own merits and shall take decision expeditiously and preferably within six (06) months. The proposal shall not be rejected on the ground on which the impugned orders is passed.

6. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]