

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6560 OF 2015

Tanvir Begum Kayyum Kazi ...Petitioner
V/s.
Nivara Bahuddeshiya Sanstha, Barshi & Ors. ...Respondents

Mr.I.M. Khairdi for the Petitioner.

Mr.S.T. Bhosale, for Respondent No.1.

Ms.Kavita Solunke for the Respondent-State.

Mr.Ramesh Digambar Patil-President of Respondent No.1 present in Court.

**CORAM : B.R. GAVAI &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 18th APRIL 2018

P.C.

1. Rule. Rule made returnable forthwith.

2. Heard by consent.

3. In response to the order passed by this Court dated 15.03.2018 the president of respondent No.1 is personally present in the Court.

4. The petitioner has approached this Court seeking writ of mandamus to appoint the petitioner in respondent No.2-school on compassionate ground on account of the death of her husband.

5. The perusal of the material placed on record reveals that the husband of the petitioner namely Shri. Kazi Kayyum Farid was appointed as a Peon with effect from 06.01.1997. In the respondent No.2-School under the management of the respondent No.1. However, it appears that the husband of the petitioner died on 09.12.2013. The petitioner thereafter made various representations seeking her appointment on compassionate ground. However, it appears that since there was no response, the petitioner was required to approach this Court.

6. It further appears that this Court vide order dated 15th March 2018 deprecating the conduct of the respondent No.1, that in spite of the direction of the competent-authority the respondent No.1 was not appointing the petitioner on compassionate ground, issued a show cause notice to respondent No.1 as to why the administrator should not be appointed on respondent No.2-school.

7. Now affidavit is filed by the respondent No.1 stating

that the process of the appointment of the petitioner on compassionate ground is in progress. However, on account of administrative difficulties the same could not be completed. It is further stated in the affidavit that now the resolution has been passed on 13th April 2018 by which it is resolved to appoint the petitioner on compassionate ground. It is thus clear that the respondent No.1 has delayed the appointment of the petitioner on untenable grounds. It is only on account of the fact that the President was warranted to remain present before this Court by order dated 15th March 2018 the respondent No.1 has resolved to appoint the petitioner on compassionate ground.

8. We are inclined to allow the petition. The resolution passed by the respondent No.1 is taken on record and treated as undertaking to the Court that the respondent No.1 is being appointed on compassionate ground.

9. The petition is therefore allowed in the following terms :-

- (i) The respondent No.1 is directed to issue appointment order to the petitioner appointing the petitioner as a Peon on compassionate ground with

effect from 01st May 2018.

(ii) Needless to state that since the District Education Officer-respondent No.5 herein had already directed the respondent No.1 to appoint the petitioner, respondent No.5 shall grant approval to the appointment of the petitioner with effect from 01st May 2018.

(iii) The petitioner shall be paid regular salary with effect from 01st May 2018 and all dues on account of the Family pension from the death of the husband of the petitioner till 30th April 2018 be cleared within a period of six weeks from today.

(SMT.BHARATI H. DANGRE, J.)

(B.R. GAVAI, J.)