

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

WRIT PETITION NO. 430 OF 2019

Archana Shrikant Jain and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri B. L. Sagar Killarikar, Advocate for Petitioners.

Shri P. K. Lakhotiya, A.G.P. for Respondent Nos. 1 to 3.

Mrs. Manjushri Shendge-Narwade, Advocate for the Respondent
No. 4.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 19TH AUGUST, 2019.

FINAL ORDER :

. The petitioner No. 1 was appointed on compassionate ground by petitioner Nos. 2 and 3. The proposal seeking approval to the appointment of the petitioner No. 1 is forwarded to the respondent No. 4. The same is not yet decided.

2. It is submitted by the learned advocate for petitioners that, the respondent No. 4 has sought guidance from the respondent No. 3. According to the learned counsel, the petitioner No. 1 is entitled to be appointed on compassionate ground. The learned counsel relies on the judgment of the Division Bench this Court at its principal seat at Bombay in Writ Petition No. 7507 of 2016

decided on 11th December, 2018.

3. We have also heard the learned Assistant Government Pleader for respondent Nos. 1 to 3 and the learned advocate for the respondent No. 4.

4. The ban on recruitment does not apply for the appointment on compassionate ground and also ground of availability of surplus peon would not apply to the appointment on compassionate ground.

5. In the light of the above, we direct the respondent No. 4 to take decision on the proposal forwarded to it seeking approval to the appointment of the petitioner as peon on compassionate ground. The same shall be decided on its own merits and in accordance with law. The proposal shall not be rejected on the ground of ban on recruitment or that there was availability of surplus candidates. The same shall be decided expeditiously and preferably within a period of six (06) months from today.

6. In view of the above, the writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]