

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

WRIT PETITION NO. 4644 OF 2018

Manoj S/o. Madhukarrao Kannawar ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

.....
Dr. Shrikant K. Patil, Advocate for the petitioner
Mr S. K. Tambe, AGP for respondent/State
.....

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

DATE : 11TH JANUARY, 2019

ORAL ORDER:

1. The petitioner is appointed on compassionate ground on Class-III post as a Jr. Assistant under respondent No. 3 – Zilla Parishad on 19.04.1997. Now the petitioner seeks absorption as a Jr. Engineer (Technical). According to him, the petitioner is qualified to be appointed on the said post.

2. The learned counsel relies on the policy of the Government under Govt. Resolution dt. 23.08.1996 and the orders of this court dt.04.08.2015 in WP 3837 of 2015.

3. Mr Tambe, the learned AGP submits that, there is no such policy of absorbing a person of class-C post appointed on compassionate ground in another post of same class.

4. The Govt. Resolution relied by the petitioner would not be of any avail to the petitioner as the said Govt. Resolution applies to those persons who have the qualification of Class-C but are appointed in Class-D. They are entitled for being accepted in Class-C as and when the vacancy arises.

5. The petitioner was appointed on compassionate ground on Class-C post as a Jr. Assistant. The petitioner cannot now seek absorption in Class-C on another post. In Writ Petition No. 3837 of 2015, this court has considered the case of the petitioner therein as the respondent therein had appointed those persons as Extension Officers who were junior to the petitioner therein and that they all were appointed on compassionate ground.

6. In the present case, the said fact does not exist. In absence of the policy, the commissioner has not committed any error in issuing the impugned communication.

7. The writ petition is disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde