

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

916 WRIT PETITION NO.1088 OF 2016

VIKAS APPARAO MUNDHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr.Jadhavar Santosh S.
AGP for Respondent Nos. 1 & 3: Mr. S.G. Sangle
Advocate for Respondent No. 2: Mr. S.N. Rodge
Advocate for Respondent No. 5: Mr. M.P. Tripathi
Advocate for Respondent No. 6 : Mr.Jadhav Hanumant P.

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**CORAM : PRASANNA B. VARALE AND
ANIL S. KILOR, JJ.**

DATED : 3rd DECEMBER, 2019.

ORAL ORDER :

Heard the learned counsel for the petitioner,
learned AGP for respondent Nos. 1 to 3 and learned
counsel appearing for other respective respondents.

2. The limited issue is raised in the petition
by a basic prayer in prayer clause 'B'. The
petitioner is seeking direction to the respondents to
appoint him and his sister Suchita d/o Apparao Mundhe
(Suchita w/o Pandurang Bikkad) on compassionate
ground, in the School run by respondent No. 5 or any
other school, as per the Government policy. The policy

of the State Government is reflected in the Government Resolution dated 26th February, 2013 and a copy of the same is placed on record as annexure "D". Notices were issued by order dated 28.01.2016 and in response to the notice, a reply is filed on behalf of respondent Nos. 5 and 6, through Mr. Vitthal Chandrabhan Takpire, the Secretary of respondent No. 5 Society.

3. Certain facts are not disputed in the affidavit-in-reply, namely the father of petitioner Mr. Apparao Haridas Mundhe, was working as Assistant Teacher in the School run by respondent No. 5, who met with an accident on 31.5.2011 and succumbed to the injuries. It is also admitted by respondent Nos. 5 and 6 that representations were made seeking appointment on compassionate ground, either to the petitioner or his sister.

4. The material facts which are necessary for disposal of the petition are that though the representations were submitted, but those were only in the form of applications and were not supported by the documents, such as, death certificate of the

deceased father, consent letters of other family members, heir-ship certificate etc.

5. It is then stated in the affidavit-in-reply that as per the procedure provided, the Education Officer is duty bound to maintain the list of the applicants, seeking appointment on compassionate ground and then to forward these applications for consideration, as per the seniority of the applicants to the Education Officer, (Primary), Zilla Parishad, Osmanabad. It is stated in the affidavit-in-reply that currently it appears that not a single post is vacant with a the School. Two posts are deducted by order dated 1.10.2002 and only eight posts are available. Then a positive statement is made in the affidavit-in-reply and it states that only eight posts are available and considering the situation, the management is ready to forward the proposal, if submitted, by the petitioner afresh by annexing all necessary documents i.e. the death certificate, consent letters of the family members and the heir ship certificate showing no family member is in government service. Then it is stated that if representations along with necessary documents are

submitted to the Management, the management is ready to follow the procedure as per requirement of the policy for compassionate appointment.

6. On the backdrop of this statement, the learned counsel Mr. Jadhavar, appearing for the petitioner submitted that the petitioner would submit representations to the respondents along with necessary documents and more particularly to respondent No. 2 i.e. the Education Officer, (Primary), Zilla Parishad, Osmanabad, respondent No. 3 the Chief Executive Officer, Zilla parishad, Osmanabad and respondent Nos. 5 & 6 i.e. the President and the Secretary respectively of Mahatma Gautam Shikshan Prasarak Mandal, Kallam, Tq. Kallam, Dist. Osmanabad, within two weeks from today.

7. In case such representations are submitted to the respondents within stipulated period of two weeks, respondent Nos. 5 and 6 to forward the same to respondent No. 2 the Education Officer, (Primary), Zilla Parishad, Osmanabad within two weeks from the receipt of the receipt of the representations. On receipt of the proposal along with representations,

respondent No. 2 the Education Officer, (Primary), Zilla Parishad, Osmanabad to take appropriate decision and pass order within eight weeks from the date of receipt of the proposal and representations. With this direction, the Writ Petition is disposed of.

8. Authenticated copy of this order be provided to the learned counsel of the petitioner, as well as to the learned counsel representing respondent No. 2 the Education Officer, (Primary), Zilla Parishad, Osmanabad.

(ANIL S. KILOR)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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