

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

145 WRIT PETITION NO.6353 OF 2019

PRAFULLA MUKESHRAO DESHMUKH
 VERSUS
 RASHTRIYA SAHKARI SHIKSHAN PRASARAK MANDAL LTD CHALISGAON
 THROUGH CHAIRMAN AND OT

...

Advocate for Petitioner : Mr Patil Paresh B.
 AGP for Respondents State : Mr S P Tiwari
 Advocate for Respondent No.2 : Mr. Mukund D Gitte

**CORAM : S. V. GANGAPURWALA &
 ANIL S. KILOR, JJ.**

DATE : 24th September, 2019

ORDER:

1. Learned counsel for the petitioner submits that the petitioner has applied for appointment on compassionate ground. The said application is not considered. The learned counsel for respondent no.2 submits that vacancy exists but because of ban on recruitment, appointment cannot be made.

2. Time and again we have held that ban on recruitment would not apply to the compassionate appointment. The respondents may consider the claim of the petitioner as per seniority, wait list maintained for the person to be appointed on compassionate ground. Respondent no.2 will also have take precaution that percentage of the persons to be appointed on compassionate ground is maintained and

the persons above the maximum allowed to be appointed on compassionate ground would not be appointed. With these observations, the respondents may take further steps for appointment of petitioner on compassionate ground as per his qualification.

3. Writ petition disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC