

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

906 WRIT PETITION NO.3523 OF 2018

**SACHIN PUNDLIKRAO NABDE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Panpatte V. S.  
AGP for Respondents State: Mr. P.S. Patil

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

**DATE : 14th February, 2019**

**PER COURT :**

1. Heard learned counsel for the parties.
2. Proposal seeking permission to fill in a post of Junior Clerk on compassionate ground is rejected. In fact, for appointment on compassionate ground, the said permission of the authority would not be required. It is for the management to appoint a person on compassionate ground within the limits prescribed i.e. more than 20% posts cannot be filled in by appointing persons on compassionate ground. If a person is appointed by the management on compassionate ground, then it is for the Education Officer to consider the proposal seeking approval so also, the approval cannot be rejected on the ground that there was ban on

recruitment.

3. In light of above, the impugned order is quashed and set aside.

4. It is for the management to consider the application of the petitioner for appointment on compassionate ground, on its own merits.

5. Writ petition is accordingly disposed of. No costs.

**(A. M.DHAVAL, J.)**

**(S.V.GANGAPURWALA, J.)**

JPC