

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

**WRIT PETITION NO. 8354 OF 2019**

VISHAL VISHNU THORAT  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Magre Sunil G  
AGP for Respondents No. 1 & 3 : Mr. Borade P. G.

Advocate for Respondents No. 4 & 5 :

Mr. Taur M. S.

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**CORAM: S. V. GANGAPURWALA &**  
**AVINASH G. GHAROTE, JJ.**

**DATE: 04<sup>th</sup> NOVEMBER, 2019**

**PER COURT:**

1. The learned counsel for the petitioner submits that the father of the petitioner was working with respondent no. 4. He died while in service. The petitioner filed an application seeking appointment on compassionate ground as a Sevak / Peon on 12.10.2017. Father of the petitioner died on 06.09.2017. The petitioner is eligible for the post of Sevak / Peon. Respondents no. 3 and 4 are not taking any action upon the same.

2. The learned counsel for respondents no. 4 and 5 submits that the father of the petitioner in the year 2014 – 2015 was declared surplus but till his death was paid salary pursuant to the salary bills submitted by respondents no. 4 and 5. The learned counsel for respondents no. 4 and 5 accepts that the father of the petitioner was a permanent employee and worked on grant in aid post. The learned counsel further submits that there is no vacant post available with respondents no. 4 and 5.

3. In case, the petitioner is eligible for appointment on compassionate ground, then it is for respondents no. 4 and 5 to consider the same. If the vacancy is not available with respondents no. 4 and 5, then the proposal has to be referred to the Education Officer who shall place the petitioner in the wait list of the persons to be appointed on compassionate ground.

4. In view of the above, respondents no. 4 and 5 shall process the application of the petitioner

for appointment on compassionate ground and if the petitioner is found eligible shall submit the proposal to the Education Officer, of course, if the vacant post is not available with respondents no. 4 and 5. The Education Officer shall verify the proposal and upon being satisfied of the eligibility of the petitioner shall keep the petitioner on the wait list of the persons to be appointed on compassionate ground on the vacant post as may be available and permissible.

5. With the aforesaid directions, writ petition stands disposed of. No costs.

**[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]**

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