

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

WRIT PETITION NO. 6394 OF 2018

Pathan Riyaz Khan Shaukat Khan

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr Sayyed Tauseef Yasin, Advocate for Petitioner

Mrs. V.N. Patil-Jadhav, Assistant Government Pleader for Respondent
Nos. 1 to 4

Mr B.R. Sable, Advocate for Respondent Nos. 5 and 6

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

DATE : 31ST JANUARY, 2019

ORAL ORDER:

1. The father of the petitioner was working as a driver with the respondent No. 5. While in service, he died on 01.12.2007. The petitioner applied with the respondent Nos. 5 and 6 seeking employment on compassionate ground. The same is not considered.

2. According to the learned Counsel for Respondent Nos. 5 and 6, the petitioner participated in the selection process for the post of driver, but was not selected. There is no vacant post available. The petitioner can be appointed on contract basis or for seasonal work.

3. No doubt, the post of driver is technical post. Unless the petitioner is proficient in the said job, he cannot be directly appointed. However, petitioner can be considered for appointment on Class-IV post

or such other Class-III post, which may commensurate with his qualification.

4. It is submitted that at present, no post is vacant with the respondent Nos. 5 and 6. As accepted by the the respondent Nos. 5 and 6, the respondent Nos. 5 and 6 may appoint the petitioner on contract basis for seasonal work and as and when the post becomes available/vacant in Class-IV or Class-III and if the petitioner is otherwise qualified for the said post, the respondent Nos. 5 and 6 shall consider the petitioner for appointment on compassionate ground on the said post that would be vacant.

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

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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