

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

WRIT PETITION NO. 7631 OF 2018

Jayshree Prasad Gosavai and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. C.K. Shinde, Advocate for Petitioners
Mrs. V.N. Patil-Jadhav, Assistant Government Pleader
for Respondent Nos. 1 and 2

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

DATE: 8th FEBRUARY, 2019

ORAL ORDER :

1. The petitioner was appointed on compassionate ground as a Junior Clerk. The proposal has been rejected on various grounds. The learned Counsel submits that all the defects were rectified only on the ground that the appointment is after 22.03.2012, the petitioner could not have been appointed.

2. The learned Assistant Government Pleader submits that the Government Resolution dated 22.03.2012 would apply and the petitioner can not claim appointment on the compassionate ground.

3. The husband of the petitioner was working with the petitioner Nos. 2 and 3 as Class-IV employee. While in service he died. The petitioner as per qualification is appointed on Class-III post as a Junior Clerk.

4. We had asked the learned Counsel as to the number of posts admissible and whether any other candidates are appointed on compassionate ground. The learned Counsel submits that there are 16 posts admissible i.e. 12 posts for teaching and 4 posts for non-teaching except the petitioner no other person is appointed on compassionate ground. The 20 % posts can be filled in by compassionate appointment.

5. It is also the contention of the petitioner that the post of Junior Clerk became vacant because another person working on the post of Junior Clerk was promoted as Senior Clerk.

6. In light of the above, we pass the following order :-

(i) The Education Officer (Secondary) shall consider the proposal seeking approval to the appointment of the petitioner and shall not reject it on the ground of

Government Resolution dated 22.03.2012. However, shall consider the qualification of the petitioner and the roster. The same shall be decided expeditiously and preferably within a period of four months.

(ii) The writ petition is disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

mta