

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.665 OF 2018

Ganesh s/o Raghunath Deore

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.V.P.Patil, advocate for the petitioner.
Mr.S.P.Tiwari, AGP for Respondents No.1 & 2.
Mr.S.H.Tripathi, advocate for Respondent No.3.

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

DATE : 07th November, 2019

PER COURT:

1 Mr.Patil, learned Counsel for the petitioner, states that the petitioner is seeking appointment on compassionate ground. The father of the petitioner was serving as a Peon and while in service, he died on 24.08.2014. The petitioner applied to Respondent No.3-Management to appoint him in Class-III or Class-IV category on compassionate ground. The petitioner belongs to SC category.

2 The learned Counsel further submits that, three vacancies existed, however, in spite of ban on recruitment, the Management filled in those three posts against the rules. The Education Officer has not granted approval to their appointment

also. The petitioner can be considered for appointment on compassionate ground with respondent no.3.

3 The learned Counsel for Respondent No.3 submits that, there are no vacancies available with Respondent No.3, as such, the petitioner cannot be accommodated.

4 We have considered the submissions. In case vacancy does not exist with respondent no.3, then respondent no.3 can forward the application/proposal received from the petitioner for appointment on compassionate ground to the Education Officer. The Education Officer, by following the guidelines as laid down in the Government Resolution dated 31.12.2002 (with its annexures), shall keep the petitioner in the wait list for the appointments to be made on compassionate ground. As and when vacancy arises, the Education Officer can direct the respondent no.3-institution or any other institution where vacancy has arisen to accommodate the petitioner by following the guidelines laid down in the Government Resolution dated 31.12.2002 and in case the petitioner is otherwise eligible. The respondent no.3 shall forward the said proposal to the Education Officer, which is already pending with it within a period of six weeks.

5 Writ Petition is accordingly disposed of. No costs.

AVINASH G. GHAROTE
JUDGE

S.V.GANGAPURWALA
JUDGE

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