

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

907 WRIT PETITION NO.10391 OF 2018

VAISHALI JALINDAR JADHAV

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. N. L. Jadhav, Advocate for the Petitioner.

Mrs. V. N. Patil-Jadhav, AGP for Respondents-State.

Mr. Kailas U. More, Advocate for Respondent No.4.

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

DATED : 13th FEBRUARY, 2019.

PER COURT:-

1. The petitioner seeks appointment on compassionate ground.

2. Mr. Jadhav, learned counsel for the petitioner submits that the petitioner possesses qualification B.A. B.Ed.. The respondents have not considered the case of the petitioner only on the ground that the petitioner is not possessing the required qualification. The learned counsel relies on the Government Resolution dated 07.02.2019 and contends that even for primary teachers the qualification of B.A. B.Ed. is permissible.

3. The respondent nos.3 and 4 have filed affidavit-in-reply contending that the petitioner

does not possess the qualification of HSC/SSC. D.Ed. and same is the relevant qualification as per the Maharashtra Zilla Parishad Service (Service Entry) Act, 1967, Appendix 4, Rule 9 and no guideline in the Government Resolution dated 27.02.2003 and 28.01.2016 is given in that regard. The petitioner was at serial no.241 of the compassionate ground claimants list and serial no.249 Samayya Mosim Pathan is appointed as a primary teacher as per the seniority list having D.Ed. qualification and as the petitioner was not having D.Ed. qualification is not appointed as primary teacher.

4. The Government Resolution dated 07.02.2019 would be relevant for consideration of the respondent-authorities with regard to the qualification of the primary teacher.

5. The respondents shall consider the case of the petitioner and in case the Government Resolution dated 07.02.2019 is made applicable to the Zilla Parishad, then the case of the petitioner shall be considered for primary teacher possessing relevant qualification.

6. It appears that, even the persons junior to the petitioner in the list have been given appointments as primary teacher having possessed D.Ed. qualification. The respondents shall

consider the qualification of the petitioner vis-a-vis Government Resolution dated 07.02.2019 and if the same is applicable shall consider the petitioner for appointment as primary teacher having required qualification. The same shall be considered expeditiously and preferably within a period of two (02) months.

7. Writ Petition is disposed of. No costs.

(A. M. DHAVAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE