

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

30 WRIT PETITION NO.704 OF 2019

MANOJ BHAGWANRAO KARHALE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. P. R. Katneshwarkar, Advocate for the
Petitioners.

Mr. S. B. Pulkundwar, AGP for Respondents-State.

Mr. Bhagwat A. Shinde, Advocate for Respondent
No.2.

...

**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 10th OCTOBER, 2019.

PER COURT:-

1. Mr. Katneshwarkar, learned counsel for petitioners submits that all these petitioners are appointed on compassionate ground. The petitioners possess the qualification to be considered for Class-C post. All these petitioners are appointed on Class-D post. According to the learned counsel petitioners are required to be appointed on compassionate ground on the post commensurate to their qualifications. All these petitioners could have been considered for Class-C post.

2. Mr. Shinde, learned counsel for respondent no.2 submits that all these petitioners did not

possess qualification to be appointed on Class-C post. Except petitioner no.1 nobody possesses the qualification.

3. The relevant Government Resolution permits appointment on compassionate ground to Class-C or Class-D post. The person possessing qualification to be appointed on Class-C post are to be considered to the appointment on Class-C post of course subject of availability of vacancies. If a person possesses the qualification to be appointed on Class-C post, however, because of lack of vacancy he is appointed on Class-D post, subsequently as and when the vacancy arises, he should be considered for Class-C post. Reference can be had to the Government Resolution dated 21.09.2017.

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

ORDER

- (i) The respondent no.2 shall verify the qualification possessed by the petitioners as on date of their appointments on Class-D post. In case, these petitioners on the date of their appointments possessed the qualification to be considered for appointments on Class-C post and because of lack of vacancies are appointed on Class-D post, the respondent no.2 shall

consider them for appointing on Class-C post, as and when vacancies are available.

5. Writ Petition accordingly disposed of. No costs.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/October-19