

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2641 OF 2019

Shri Vaibhav Kalyan Yadav and Anr. .. Petitioners

Vs

The State of Maharashtra, through the  
Secretary and Anr. .. Respondents

Mr.N.V.Bandiwadekar for the Petitioners.

Mrs.Rupali Shinde, AGP for the  
Respondent-State.

CORAM :- S. C. DHARMADHIKARI &  
M. S. KARNIK, JJ.

DATE :- MARCH 4, 2019

P.C. :-

1. This writ petition under Article 226 of the Constitution of India involves an issue which is identical to that considered by this Court of refusal of approval to appointments made on compassionate ground or keeping a application seeking approval to such appointment pending for months together without any order, purportedly because such appointments have been made during the period covered by a Government Resolution dated 2<sup>nd</sup> May, 2012 imposing a ban on recruitment of teaching and non-teaching staff and others in the State of Maharashtra.

2. The Division Bench judgments categorically hold that such appointments are out of the purview of this Government

Resolution and consequent ban. These are appointments made to enable the bereaved family of an in service deceased employee to tide over an immediate financial crisis arising on account of sudden loss of a bread winner in the family. It is to enable the family to tide over the crisis, that the appointments are either given to widow of the deceased employee or to the legal heirs depending upon the deceased.

3. The present issue is in relation to a request to consider the application seeking approval to such appointment so that the incumbent earns a regular salary and the grants are released so as to enable the Management to pay him the same. The issue of financial grant is crucial and that is why we direct that in accordance with the law laid down by this Court, the Education Officer shall take and communicate his decision to the Management and to the petitioner latest by 31<sup>st</sup> March, 2019. All the consequences of the approval shall follow and thereafter no separate application will be required to be made by the Management for releasing the financial aid/salary grant so as to make payments to the parties like the petitioners.

4. The writ petition is disposed of with these directions.

**(M.S.KARNIK, J.)**

**(S.C.DHARMADHIKARI, J.)**