

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9966 OF 2015

Shri Meghshyam Chintaman Nand

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. N.V. Bandiwadekar, i/by Mr. Sagar Mane, for the Petitioner.

Mr. B.V. Samant, AGP, for the Respondent-State.

Mr. B.T. Chavan, Dy. Education Officer (Secondary) Z.P. Nashik
present in Court.

**CORAM : S.C. DHARMADHIKARI &
R.I. CHAGLA JJ.**

DATE : 07 November 2019

ORDER :

1. This matter was placed today at 3.00 p.m. In pursuance of order dated 4th November 2019; today the Deputy Education Officer (Secondary) is present in Court. It is stated that the Education Officer is on leave and therefore, could not attend today.

2. The Petitioner before us had applied for an appointment on compassionate grounds after the death of his father. The Petitioner

is born on 21st April 1994. He has cleared the H.S.C. examination. His father Chintaman was in the services of the Indira Gandhi Secondary and Higher Secondary School in Nashik District. The father died on 15th January 2013.

3. The Petitioner has prayed that on account of the untimely death of his father, he should be appointed in his place. More so, the father was looking after the family. He had five daughters. Four daughters were already married and the fifth one was to get married. Just before the date of her marriage, the father expired. In such unfortunate circumstances, the Petitioner made application on 30th March 2013. The Petitioner made a fresh application, because the prior application was kept pending. Thereafter, the Petitioner approached the Education Officer and sought his intervention. From the record, it appears that after several reminders, the Education Officer directed the school to take the necessary steps.

4. It is informed that during the pendency of this Petition, the Petitioner was not only appointed by an order dated 30th July 2018, but a proposal was forwarded for the approval of the

Education Department. From the record, it appears that no action has been taken on this proposal.

5. Considering the fact that the Petitioner has secured an appointment, but so long as that appointment is not approved, the Petitioner will not be able to obtain the admissible pay-scales, we are of the view that the necessary order of approval be passed within a period of 15 days from today.

6. The approval should not be refused only on the ground that the appointment has been made during the subsistence of Government Resolution dated 2nd May 2012. That Government Resolution imposing a ban on appointment does not apply to the compassionate appointments. This Court has, in several orders and judgments, clarified the legal position. Further, the appointment is in accordance with the rules and the appointment is not given to a person who has not satisfied the authorities that his family is indeed in financial distress. In such circumstances, once the Petitioner filed this Petition to secure an appointment and that he could only five years after making of the application, all the more a sympathetic view should be taken.

7. The order of approval shall be passed within a period of two weeks and a copy thereof shall be forwarded to the Petitioner. The Writ Petition is allowed accordingly.

8. Needless to clarify that since the Petitioner has been appointed in the aided school, the Education Officer should also release the necessary salary grant so that the Petitioner can be paid the salaries as per the applicable pay-scale.

[R.I. CHAGLA J.]

[S.C. DHARMADHIKARI, J.]