

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

WRIT PETITION NO.6886 OF 2019

Ashish s/o Suryakantrao Deshpande

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr H.I. Pathan, Advocate for petitioner

Mr A.R. Kale, A.G.P. for respondents no.1 and 2

Mr A.V. Aghav, Advocate for respondents no.3 and 4

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 11th February 2020

ORAL ORDER :

1. The petitioner seeks appointment on compassionate ground.
2. Mr Pathan, learned Advocate for the petitioner submits that the advertisement is issued to fill in 496 posts of Class 'C' and 'D' by respondent no.3. The petitioner is eligible to be appointed on compassionate ground. The petitioner is at serial No.101 of the wait list maintained by the respondent no.3 Zilla Parishad, Beed of the candidates seeking appointment on compassionate ground. The respondent no.3 appointed one candidate at serial number 78. However, the claim of the petitioner is not considered. The respondents can give appointment to the candidates on compassionate ground to the extent of 20% as per Government Resolution dated 15.2.2018.
3. According to Mr Aghav, learned Counsel for respondents no.3 and 4, the person at serial number 78 appointed is from O.B.C. category. The petitioner belongs to open/general category. The 10% posts only can be filled in on compassionate ground. The respondents are following the

seniority list. Fifty five posts have been filled in by the persons on compassionate ground.

4. The respondents cannot be compelled to fill in more posts than sanctioned on compassionate ground. Explanation has been given that fifty five posts are filled in by the persons on compassionate ground. The petitioner stands at serial number 101 of the wait list. Naturally, the respondents are bound to maintain the ratio of appointment by nomination and appointment on compassionate ground. The respondents will adhere to the said ratio and consider the case of the petitioner as per his turn.

5. With the aforesaid observations, Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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