

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

WRIT PETITION NO. 1953 OF 2020

Prashant Diliprao Suryavanshi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Mahesh S. Deshmukh, Advocate for the Petitioner.

Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 to 4.

Shri Gopal Kale, Advocate for the Respondent No. 5.

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

DATE : 18TH MARCH, 2021.

FINAL ORDER :

. The proposal seeking approval to the appointment of the petitioner as a peon on compassionate ground is rejected.

2. The proposal is basically rejected on the basis of the Government Resolution dated 23.11.2013 and that since the academic year 2014-2015 the post of peon is not admissible in the staffing pattern.

3. We have heard Mr. Deshmukh, the learned counsel for the petitioner, the learned Assistant Government Pleader for respondent Nos. 1 to 4 and Mr. Kale, the learned advocate for the respondent No. 5.

4. The petitioner is appointed on compassionate ground. In view of that, ban on recruitment and/or the aspect of surplus candidate would not apply to the petitioner. The Education Officer has observed that, since the academic year 2014-2015 the post of peon is not sanctioned. The Education Officer is required to consider the staffing pattern as applicable for the academic year 2013-2014. The petitioner is appointed on 01.11.2013, so the relevant academic year would be academic year 2013-2014.

5. In the light of that, the impugned order is quashed and set aside. The Education Officer shall consider the proposal seeking approval to the appointment of the petitioner on the post of peon. In the light of the observations made above the same be decided expeditiously and preferably within a period of four (04) months from today.

6. In the light of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]

bsb/March 21