

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
1016 WRIT PETITION NO.5706 OF 2021

SHAIKH MOHAMMAD ANAS ABDULJAKIR SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S. R. Barlinge
AGP for Respondents/State: Mr. K. N. Lokhande
Advocate for Respondent No.3: Ms. Surekha Mahajan

...
**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 12th October, 2021

P.C. :

. The application filed by the petitioner seeking appointment on compassionate ground is rejected. Aggrieved thereby, the petitioner is filed the present petition.

2. Mr. Barlinge, the learned counsel for the petitioner submits that, only reason for negating the application of the petitioner for appointment on compassionate ground is that, the petitioner and his family have received retiral benefits. According to the learned counsel, receiving retiral benefit is no consideration for denying the benefit of compassionate appointment.

3. We have heard Mr. Mahajan, the learned counsel for respondent No.3.

4. It is stated in the affidavit filed by respondent No.3 that, there is one sanctioned post of 'Lab Assistant' and one post of 'Peon'. For the post of 'Lab Assistant', the candidate has to be HSC with science faculty. The petitioner does not possess the said qualification.

5. We have considered the submissions. According to the petitioner, the petitioner has passed 12th standard in science stream. The same would be the required qualification for the post of 'Lab Assistant', even as per respondent No.3. The father of the petitioner was working as an Assistant Teacher at the time of his death.

6. In light of the above, the impugned communication is quashed and set aside. The respondent Nos.2 & 3 shall consider the application of the petitioner for appointment on the post of 'Lab Assistant' and if the petitioner possess the qualification for the post of 'Lab Assistant' as on the date, then the petitioner shall be considered for the appointment on the said post. The said exercise shall be done expeditiously, preferably within a period of three (3) months.

7. Writ Petition is, accordingly, allowed. No costs.

(R. N. LADDHA, J.)

(S. V. GANGAPURWALA, J.)