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

920 WRIT PETITION NO.5677 OF 2018

**SANTOSH MARUTI HINGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr L. V. Sangit, Advocate for petitioner;
Mr S. R. Yadav, A.G.P. for respondent Nos.1 to 3;
Mr A. N. Kakade, Advocate for respondent No.4

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 16th November, 2021

PER COURT:

1. On 06/10/2021, we had passed the following order :

“1. Despite the petitioner having applied for compassionate appointment immediately after he became an adult (18 years of age), his proposal has not been considered. He, therefore, approached this Court in Writ Petition No.6610/2012. By order dated 25/08/2014, this Court directed the Management to consider the application for appointment on compassionate basis on it's own merits within six months. His application was considered and he was communicated vide letter dated 20/03/2018 (after four years), that there is no post available in the non-teaching staff to accommodate the petitioner.

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2. We, therefore, direct respondent No.2, in co-ordination with respondent No.3, to immediately carry out a survey of all the schools/colleges operated by respondent No.4 and submit a report to this Court as to how many sanctioned posts in the non-teaching category, including Laboratory Attendant, are available. If the Management takes a stand that posts are not available, these respondents would verify whether the candidates are legitimately occupying the posts.

3. Let such report along with a short affidavit, be filed on or before 30/10/2021.

4. List this petition immediately after vacation on 16/11/2021 in the urgent category.”

2. The learned A.G.P. points out from the affidavit dated 29/10/2021, filed by the Superintendent, Class-II, Office of the Education Officer, Zilla Parishad, Ahmednagar Shri. Satyajit Vithhal Machchindra, that a post of ‘Lab Assistant’ is presently vacant and available.

3. The learned Advocate representing respondent No.4 – Management tenders a communication dated 11/10/2021, addressed to him by the Administrative Officer of respondent

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No.4, along with a copy of the order of approval dated 27/11/2020, granted by the Education Officer (Secondary) to Shri. Vithhal Suryabhan Bawane, who has been promoted to the post of 'Junior Clerk', thereby rendering his earlier occupied position as 'Lab Assistant', vacant. The said communication along with the copy of the said approval order (two pages) are taken on record and collectively marked as 'X-1' for identification.

4. Shri. Kakade submits in view of the communication 'X-1' that, the Management is willing to absorb the petitioner on compassionate basis as a 'Lab Assistant', since he is well qualified. The learned Advocate for the petitioner submits, on instructions, that the petitioner is willing to join as a 'Lab Assistant' and would report for duties whenever the Management may so order.

5. In view of the above, this petition stands worked out and is disposed off with the following directions :

(a) Respondent No.4 shall issue an order of appointment on compassionate basis to the petitioner, posting him on the

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position of the 'Lab Assistant', within one week from today;

(b) The petitioner shall join duties on the basis of such appointment order, w.e.f. 01/12/2021;

(c) Respondent No.4 – Management shall forward the proposal, complete in all respects, to respondent No.3 for seeking approval to the appointment of the petitioner on compassionate basis, as expeditiously as possible and preferably on or before 15/12/2021;

(d) Respondent No.3 – Education Officer (Secondary), shall pass an appropriate order granting approval to the appointment of the petitioner, as expeditiously as possible and preferably, on or before 31/01/2022, unless there is any legal impediment.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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