

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

158 WRIT PETITION NO.825 OF 2021

BHAGYASHRI VIJAYSING GHORPADE
VERSUS
RASHTRIAYA SAHKARI SHIKSHAN PRASARAK MANDAL LTD THR ITS
CHAIRMAN AND OTHERS

...

Advocate for Petitioner : Mr. Paresh B. Patil
Advocate for Respondents No. 1 & 2 : Mr. Gitte Mukund D.
AGP for Respondent No. 3 : V. N. Patil (Jadhav)

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.
DATE : 15.03.2021.

PER COURT :

The learned advocate for the petitioner seeks appointment on compassionate ground.

2. Learned counsel for the management submits that because of ban on recruitment the respondents have not given appointment to the petitioner.

3. The learned counsel refers to the order dated 16.10.2015 in Writ Petition No. 7614/2015 passed by the Division Bench of this Court referring to the judgment in other matter the Division Bench of this Court observed thus :

“Upon hearing learned counsel for respective parties, we find that the issue involved in this petition is no longer *res integra* and is covered by the decision/order of this Court dated 10th July 2015 in Writ Petition No. 1452 of 2015. While considering similar fact situation in para 4 of the order, this Court has observed thus :-

“ Mr. Patil, learned Addl. Govt. Pleader states that 10 % of the total vacant posts can be filled in on compassionate ground in a year. The ban on recruitment would not be an embargo for appointing a person on compassionate ground, as they are not required to be appointed after following selection process nor they are required to compete.”

In that view of the matter, ban on recruitment should not be an embargo for appointing a person on compassionate ground and also prior permission was also not necessary.”

4. It has been observed that the ban on recruitment would not be an embargo for appointing a person on compassionate ground and also prior permission would not be necessary.
5. In view of that the respondent management shall not deny the appointment to the petitioner on compassionate ground for the reason that there is a ban on recruitment.
6. The claim of the petitioner shall be considered for compassionate appointment according to the seniority in the list of persons to be appointed on compassionate ground.
7. The Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

mkd/-