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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8965 OF 2021

Smt.Laxmi D. Vadar	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr.Prashant Bhavake for the Petitioner.

Vikas M. Mali, AGP for the State – Respondent.

CORAM : R.D. DHANUKA &
R.N. LADDHA, JJ.
DATE : 15TH DECEMBER, 2021.

P.C. :-

1. Mr.Bhavake, learned counsel for the petitioner seeks liberty to delete the respondent nos.6 and 7 from the cause title of the petition. Leave to amend is granted. The amendment to be carried out forthwith. Re-verification is dispensed with. Rule. Learned AGP waives service for the respondent nos.1 to 5. By consent of parties, the petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the order dated 23rd November, 2020 passed by the Deputy Director of Education, Kolhapur Region, Kolhapur rejecting the proposal for issuing Shalarth ID to the petitioner by including her name in the Shalarth Pranali for online

payment and for further direction against the respondent no.4 to include the name of the petitioner in Shalarth Pranali by allotting Shalarth ID and for further directions to release entire arrears of the petitioner's salary within the stipulated period.

3. The petitioner was appointed as Peon with effect from 11th September, 2006. His appointment was approved by the Education Officer on 28th September, 2020. The Deputy Director of Education however refused to enter the name of the Shalarth Pranali on the ground that there was ban on the appointment of the petitioner. In this case, the petitioner was appointed on compassionate basis by the Management in view of the demise of the husband of the petitioner on 18th June, 2006 due to illness.

4. This Court in case of **Smt.Samita Sameer Desai & Anr. vs. The State of Maharashtra & Anr.** delivered on 11th December, 2018 in Writ Petition no.7507 of 2016 has held that the Government Resolutions banning the appointment would not be applied to the appointments made on compassionate ground. The very object and purpose of such employment and conferring a power to make appointment on compassionate ground is that the employer assists the family to tide over the financial crises because of loss. The principles of law laid down by this Court in case of **Smt.Samita Sameer Desai & Anr. vs. The State of Maharashtra & Anr.**

applies to the facts of this case. We do not propose to take a different view in the matter.

5. In our view, the order passed by the Deputy Director of Education, Kolhapur Region, Kolhapur is contrary to the principles of law laid down in **Smt.Samita Sameer Desai & Anr. vs. The State of Maharashtra & Anr.** supra) and thus deserves to be quashed and set aside. We accordingly pass the following order ;-

- a). The writ petition is allowed in terms of prayer clause (b). The Deputy Director of Education, Kolhapur Region, Kolhapur is directed to include the name of the petitioner in Shalarth Pranali within a period of four weeks from today and shall release the dues, if any, within four weeks thereafter.
- b). Rule is made absolute in aforesaid terms.
- c). Parties to act on the authenticated copy of this order.

(R.N. LADDHA, J.)

(R.D. DHANUKA, J.)

VASANT
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