

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2552 OF 2020

Smt. Rupali Chandrakant Kase

@ Vaishali Rangrao Kamble

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION NO.12948 OF 2019

Shri. Omkar Prabhakar Narake

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION NO.1821 OF 2020

Shri. Sandeep Shivaji Kamble

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr. Prashant Bhavake, Advocate for Petitioners in all WP.

Mr. Umesh H. Pawar, Advocate for Respondent Nos.6 and 7 in all WP.

Mr. V. M. Mali, AGP for Respondent Nos.1 to 5 in WP/2552/2020 & WP/1821/2020.

Mrs. P. J. Gavahane, AGP for Respondent Nos.1 to 5 in WP/12948/2019.

**CORAM : R. D. DHANUKA, AND
ABHAY AHUJA, JJ.**

DATE : 16th SEPTEMBER, 2021.

P.C.:

1. Writ Petition No.1821 of 2020 is not on board, taken on board.

2. By these Writ Petitions, the Petitioners seeks an Order and direction against the Respondent No.5-Education Officer to decide the proposal mentioned in prayer clause (b) of all these Petitions in respect of the appointments of the Petitioners to the post of Peons on compassionate ground at the Respondent-Secondary School. The proposal is not decided by the Education Officer though submitted long back. In catena of decisions delivered by this Court including the decision delivered on 30th July 2021 in case of ***Sunil Gundu Desai V/s. State of Maharashtra and Others in Writ Petition No.4673 of 2019***, it has been held that the Government Resolution dated 2nd May 2012 and 12th February 2015 would not apply to the appointments made on the compassionate ground.

3. We direct the Education Officer to consider the said Judgment in case of ***Sunil Gundu Desai V/s. State of Maharashtra and others (supra)*** holding that both these Government Resolutions dated 2nd May 2012 and 12th February 2015 do not apply to the appointments made on compassionate ground and accordingly grant approval to the said proposal submitted by the Management for the appointment of the Petitioners on the compassionate ground within a period of four weeks from today. Consequently, the Education Officer shall also release the salary and other consequential benefits and also the grant from the date of initial

appointments within four weeks thereafter.

4. Writ Petitions are allowed in the aforesaid terms. Rule is made absolute. No Order as to costs. Parties to act on the authenticated copy of this Order.

(ABHAY AHUJA, J.)

(R. D. DHANUKA, J.)

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