

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.7628 of 2019

Pawan s/o Anandrao Dhamse

...Petitioner

Versus

State of Maharashtra, through Secretary, School
Education and Sports Department, Mantralaya, Mumbai ...Respondents
and others

None for the Petitioner

Mrs. K.R. Deshpande, AGP for the Respondent - State

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 15 FEBRUARY 2021

P.C.:

The Petitioner has filed this Petition for a direction to the Respondent – Zilla Parishad to consider the claim of the Petitioner for grant of appointment on compassionate basis.

2. Notice has been issued in this Petition and the Respondents are served.

3. The Petitioner's mother was appointed on 22 September 1986 as an 'Assistant Teacher' in Yashwant High School, Kelzar, Tahsil Seloo, District Wardha and expired during service on 12 June 2013. The

Petitioner has averred on oath that he has made an application on 28 June 2013 immediately after the death of his mother. Applications have been made by the Petitioner on 9 February 2016, 6 September 2017 and 25 October 2017.

4. In spite of service of notice the Respondent No.3 has not filed any reply-affidavit. The Respondent No.3 has not either rejected the applications or considered the same. The inaction on the part of the Respondent No.3 has frustrated the object of the compassionate appointment. The Petitioner had applied immediately within time, and the Respondents were duty bound to consider the claim of the Petitioner and if the Petitioner was not entitled to the appointment to inform the Petitioner. The Respondent No.3 was under mandate to examine the case of the Petitioner immediately and forward the same to the Respondent No.2. No explanation whatsoever for this lapse is placed on record.

5. In these circumstances, we dispose of the Petition directing the Respondent No.3 – Yashwant Rural Education Society, Wardha to take a decision regarding the Petitioner's entitlement for compassionate appointment and send the necessary proposal, if any, to the Respondent No.2 – Education Officer (Secondary), Zilla Parishad, Wardha.

6. If the Respondent No.3 do not take the steps as above, within a period of eight weeks from the date of order is received, the Respondent No.3 shall pay the amount of Rs.5,00,000/- to the Petitioner thereafter within a period of six weeks. In case the said amount is not paid to the Petitioner, the same will be recoverable as arrears of land revenue.

7. Accordingly, the Writ Petition is disposed of in the above terms.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]