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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1701 OF 2019

Urmila Kashinath Saindane
Age – Major, Occ – Service
R/o Plot No. 94, Gut No. 60
Shiv Colony, Jalgaon
Taluka and District – Jalgaon

PETITIONER

VERSUS

- | | |
|--|-------------|
| 1. The State of Maharashtra
Through its Principal Secretary,
Education Department,
Mantralaya, Mumbai -32 | RESPONDENTS |
| 2. The Director of Education,
Maharashtra State, Pune, | |
| 3. The Dy. Director,
Nashik Division, Nashik | |
| 4. The Education Officer (Secondary)
Zilla Parishad, Jalgaon,
District – Jalgaon | |
| 5. S. P. Mandal's Padmavati Nathmalji Lunkad
Kanya Shala, Jalgaon
Through its Chairman / Secretary | |

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Mr. Vinod P. Patil, Advocate for the petitioner
Mr. K. N. Lokhande, AGP for the respondent State
Mr. T. K. Sant h/f Mr. K. C. Sant, Advocate for respondent No.5

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**CORAM : C. V. BHADANG &
NITIN B. SURYAWANSHI, JJ.**

DATE : 20 JUNE, 2022

ORDER :

. Rule made returnable forthwith. The learned counsel for the respondents waive service. Heard finally by consent of parties.

2. This petition can be disposed of on short count. The petitioner was appointed on compassionate basis in the respondent school. Respondent Education Officer, by communication dated 10 July, 2018, has refused to grant approval to the appointment of the petitioner on the ground of non compliance of the Government Resolution dated 12 February, 2015 i.e. on the ground that there was no approved staffing pattern and till that time there was a ban on recruitment.

3. Learned counsel for the petitioner, has placed reliance on the decision of this Court, in Writ Petition No. 7614 of 2015 (Swapnil s/o Sanjay Patil V/s The State of Maharashtra and Others) decided on 16 October, 2015 and certain other orders, in order to submit that the ground of non compliance of the Government Resolution of the year 2015 would not be attracted in the case of compassionate appointment.

4. Learned AGP, in all fairness, does not dispute that the issue

as raised in the petition is covered by the decision of this Court in Writ Petition No. 7614 of 2015.

5. In that view of the matter, the petition is allowed. The impugned communication dated 10th July, 2018 is hereby set aside. The Education Officer shall reconsider the proposal seeking approval to the appointment of the petitioner, on its own merits, preferably within a period of four months from the receipt thereof. The Education Officer shall not reject the proposal on the ground of non compliance with the 2015 Government Resolution dated 12 February, 2015. Rule is made absolute in aforesaid terms.

NITIN B. SURYAWANSHI, J.

C. V. BHADANG, J.