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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

51 WRIT PETITION NO.7374 OF 2022

**BHAGYASHRI SUBHASH KADAM
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Ms Neeta V. Mirajkar, Advocate for petitioner;
Mr S. P. Tiwari, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 18th July, 2022

PER COURT:

1. The petitioner's father passed away on 21/01/2015 while serving as an 'Assistant Teacher' with respondent No.4 - School by name Bhairavnath Vidyalaya. The petitioner is the only elder member of the family according to the statement made in the petition. It is orally canvassed that the petitioner's deceased father was a permanent employee. The grievance is, that the petitioner filed her first application for compassionate appointment on 16/02/2015, which is within four weeks from the demise of her father, by addressing the Education Officer (Secondary). Further reminders dated 05/6/2018 and 28/04/2022 have also been addressed only to the Education Officer.

(2)

2. The age of the petitioner is not revealed in the petition. The details of her family members are also not mentioned. Whether she has a brother, sister, mother, is not mentioned. No application is made to the employer of her father for seeking appointment on compassionate basis. It is nowhere even mentioned, as to how did she survive from January 2015 till today.

3. In the light of the above and as an application was never made to the employer of her father, we are not in a position to pass any order, since the Education Officer does not have the jurisdiction to entertain an application for appointment on compassionate basis.

4. This petition is, therefore, disposed off.

5. However, from a sympathetic point of view, we permit the petitioner to lodge an application for seeking compassionate appointment to respondent No.3. If there is no legal impediment in entertaining such application, we expect respondent No.3 to take a decision in accordance with the scheme of compassionate appointment, as may be applicable.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

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