

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

931 WRIT PETITION NO.8284 OF 2019

Mirza Mohd. Ali s/o Nisar Ali Baig,
Age : 42 years, Occ : Service,
R/o : Zilla Parishad Quarter, Room No. 21,
Hingoli, Tq. & Dist. Hingoli.

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. The Divisional Commissioner,
Aurangabad Division, Aurangabad,
Aurangabad.
3. The Chief Executive Officer,
Zilla Parishad, Hingoli,
Tq. & Dist. Hingoli.

...RESPONDENTS

...
Advocate for Petitioner : Mr.Salgare Vitthal G.
AGP for Respondent Nos. 1 & 2-State : Mr. S.B.Yawalkar
Advocate for Respondent No. 3 : Mr.Bondar U.B.

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 29th JULY, 2022.

ORAL JUDGMENT : (PER - SANDEEP V. MARNE, J)

1. Rule.
2. Rule made returnable forthwith. With the consent of the

learned Advocates of the respective parties, heard finally at the stage of admission.

3. The petitioner's father died in harness on 11.11.2007 and the petitioner had applied for compassionate appointment.

4. By order dated 22 November 2013, the petitioner was granted compassionate appointment on the post of Parichar. Paragraph No. 13 of the said order dated 22 November 2013 stated that the petitioner was fulfilling the conditions for appointment on Group-C post, however, on account of non availability of vacant post he was given appointment on Group-D post. It was further stated that on availability of vacant post in Group-C, the petitioner would be granted appointment on Group-C post as per his educational qualifications.

5. On 18.06.2014, the petitioner was granted appointment on the post of Senior Assistant (Accounts) in the pay scale of Rs. 5200-20200/- plus Grade Pay of Rs. 2400/-. On the following date i.e. on 19 June, 2014, another candidate Mr. Annadate Chandrakant Sambhaji was granted compassionate appointment directly in the Group-C post. The post on which he was granted appointment is Extension Officer (Statistical), in the pay scale of Rs. 9300-34800

plus grade pay of Rs. 4200/-. We are unable to comprehend as to on what basis did the respondents contemporaneously offer two candidates two different posts in Group-C with such vast difference in the pay band and grade pay.

6. The petitioner prays that there are vacant posts of Extension Officer (Statistical), in the respondent organization and he would be satisfied if, his case is considered against available post for being absorbed for appointment on the post of Extension Officer (Statistical). The petitioner relies upon the order dated 04.08.2015 passed by this Court in **Writ Petition No. 3837 of 2015 – Ganesh Namdeorao Rawanwar Vs, State of Maharashtra and Ors.**, in which this Court passed following Order, which read as under :

“The Respondents shall consider the case of the petitioner for appointment on the post of Extension Officer as per the availability of vacancy and claim of the petitioner shall not be denied only on the ground that the petitioner is already appointed in Class-3 Grade-C post.”

7. In the facts and circumstances of the present case, we also proceed to pass the same order.

8. The Respondents shall consider the case of the petitioner for appointment on the post of Extension Officer (Statistical), as per available vacancies and the claim of the petitioner shall not be denied

only on the ground that the petitioner is already appointed as Senior Assistant (Accounts).

9. The petition is disposed of. No costs.

10. Rule is discharged.

(SANDEEP V. MARNE)
JUDGE

(MANGESH S. PATIL)
JUDGE

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