

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

WRIT PETITION NO. 10270 OF 2021

Rutuja Diliprao Shinde
Age : 26 years, Occ. Nil,
R/o. Shri Nagar near Vidhya Vikas
Near Dist. Latur.

...Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Education Department,
Mantralaya, Mumbai.
2. The School Education Department,
Secretary, Department of Education,
Mantralaya, Mumbai.
3. The Collector,
Latur.
4. The Education Officer (Primary),
Zilla Parishad, Latur.
5. The President / Secretary,
Shivaji Shikshan Prasarak Mandal,
Nilanga, Tq. Nilanga,
Dist. Latur.
6. The Head Master,
Shivaji Vidhyalaya,
Nilanga, District Latur.
7. The Education Officer (Secondary),
Zilla Parishad, Latur.

...Respondents

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Mr. Anandsingh Bayas, Advocate for the petitioner
Mr. P. S. Patil, AGP for respondent/State
Mr. U. B. Bondar, Advocate for respondent no. 4
Mr. Ravi Khandebharad h/f Mr. Aniket Patil, Advocate for
respondent no. 5

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**CORAM : C. V. BHADANG &
SANDIPKUMAR C. MORE, JJ.**

DATE : JUNE 30, 2022

ORAL JUDGMENT [C. V. BHADANG, J.] :-

1. Rule. Rule made returnable forthwith. Heard finally with consent of parties.

2. The petitioner is challenging the communication dated 02.02.2021 from respondent no. 6 thereby refusing to consider his application for appointment on compassionate ground for the reason that there was ban on recruitment by the State Government.

3. The learned counsel for the petitioner has placed reliance upon the decision of the Division Bench of this Court in the case of **Smt. Yogita w/o Shivsing Nikam Versus The State of Maharashtra and others** (Writ Petition No. 4219 of 2018 and another) decided on 11.08.2021. It is submitted that this Court after taking into consideration all the relevant provisions and the decided cases has held that the ban on recruitment cannot apply to the appointment on compassionate ground. It is also submitted

that the Education Officer has recommended the appointment of the petitioner on compassionate ground.

4. In that view of the matter, the petition is **disposed of** by directing respondent no. 6 to consider the application for appointment on compassionate ground sent by the petitioner on its own merits and in accordance with law, within a period of six (06) weeks from today. The application shall not be rejected on the ground of there being ban on recruitment by the Government. If the petitioner is appointed on compassionate ground, the necessary proposal for his approval shall be sent to the respondent/Education Officer within a period of two (02) weeks thereafter.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.