

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO.9458 OF 2022

ARCHANA MADAN TEKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. C.K. Shinde h/f Mr. T. C. Shinde
AGP for Respondents: Mr. S.K. Tambe
Advocate for Respondent Nos. 3 and 4 : Mr. Vikram S. Kadam
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 16th DECEMBER, 2022.**

PER COURT :-

1. The husband of the petitioner who was working as Assistant Teacher with due approval from Education department, in respondent No.4 school, passed away while in service on 17.11.2021. The petitioner moved an application on 06.12.2021, for seeking compassionate appointment. She has acquired qualification of M.A. B.Ed. (English-History). If the vacancy, that requires these qualifications, is available, she can be appointed on compassionate basis. She has two children who have just completed their 12th standard education.

2. The learned advocate for respondent Nos. 3 and 4 institution submits that the post occupied by the petitioner's husband fell vacant on account of his demise. He was B.A. B.Ed. (Hindi-History). The said post has been advertised. The petitioner cannot be accommodated on the said post since her language is English, though she can teach

history subject. In fact, the management had invited her for the interview to assess whether she could be granted compassionate appointment in place of her husband. However, due to qualification barrier, she could not be engaged in place of her husband. Even today, the management fully assures the petitioner that whenever the post of Assistant Teacher requiring the qualification which the petitioner possess, is available, she would be appointed on compassionate basis.

3. The learned advocate for the petitioner suggested that the petitioner was even willing to work as a peon in class IV category. However, there is no security of employment and, therefore, she is willing to wait till the vacancy arises when she could be accommodated.

4. In view of the above statement of the management, made to the court, this petition is disposed off.

5. We make it clear that if the petitioner resorts to delivering lectures or conduct some classes in order to earn a livelihood for herself and her two children and to educate them, this would not be an impediment for the respondent management in appointing her on compassionate basis.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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