

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

WRIT PETITION NO.12125 OF 2019

**SACHIN ASHOK ZOPE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner:

**Mr.Pramod Gaikwad h/f. Mr.Ajay G. Talhar
AGP for Respondent Nos.1&2: Ms. R. P. Gour**

Advocate for Respondent Nos.3&4:

Mr. S. S. Kulkarni h/f. Mr. V. T. Chuodhary

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**CORAM: SMT. SADHANA S. JADHAV &
S. G. DIGE, JJ.**

DATE: 23rd MARCH, 2022

PER COURT:

1. The Petitioner herein is seeking appointment on compassionate ground with Respondent Nos.3 and 4. It is the contention of the Petitioner that his father Ashok Zope was working on the post of Laboratory Assistant in the Institution of Respondent No.4. He expired on 28.01.2017. He was working in the said Institution from 30.06.1979 to 28.01.2017.

2. The learned Counsel for Respondent Nos.3 and 4 have filed an affidavit and submitted that

in fact late Mr. Ashok Zope was working as a surplus teacher from the academic year-2013 and continued to work as surplus teacher till 28.01.2017 and since said post was not a sanctioned post on the date of his demise the present Petitioner cannot be absorbed on the said post. In short, it is the contention of the learned Counsel for the Respondents that there is no post available in the school nor in their Institution.

3. The educational qualification of the Petitioner is B.E. as he has passed with specialisation in Computer Engineering.

4. The learned Counsel for the Petitioner submits that his father was drawing the salary from the State Exchequer. There is no ban to appoint on compassionate ground.

5. In any case, the Petitioner is not insisting upon the Management to absorb him on the same post or in the same category and therefore it would be

appropriate that Respondent Nos.3 and 4 shall consider the appointment on compassionate ground in Class-III category as far as possible for the time being and include the name of the Petitioner in the compassionate list. The Petitioner shall not be kept on Waiting List for more than three (03) months. The Management shall send requisition to the Education Officer accordingly within eight (08) weeks and do the needful.

6. With these directions, the Petition stands disposed of.

[S. G. DIGE, J.]

[SMT. SADHANA S. JADHAV, J.]

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