

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 WRIT PETITION NO. 12185 OF 2019

SHAIKH SOHAIL SHAIKH AHMED
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S.S. Thombre
AGP for Respondent Nos. 1 to 4 : Mrs. M.A. Deshpande
...

**CORAM : RAVINDRA V. GHUGE AND
S. G. DIGE, JJ.**

DATE : 29th MARCH, 2022

PER COURT :-

1. This petition is with regard to the refusal of the Education Officer in granting approval to the compassionate appointment of the petitioner on the ground that there was a ban on recruitment.
2. By Judgment dated 27-10-2021 in Writ Petition No. 3342 of 2018 (Chandrakant Shantaram Bhoi Versus State of Maharashtra and others) delivered by this Court, this issue is no longer *res-integra* and it has been concluded that ban on recruitment would not affect compassionate appointment. So also, pendency of formalization of the staffing pattern would also be no impediment to grant approval to the compassionate appointment.
3. The learned AGP representing respondent No. 4 Education Officer places a communication on record, received by her from the Education Officer stating therein that the proposal of the petitioner shall be reconsidered in the light of the judgment dated 27-10-2021 in writ petition No. 3342 of 2018 (Supra). The said communication is marked as "X-1" for identification.

4. In view of the above, the impugned communication dated 21-05-2019 does not survive and stands set aside. This petition stands disposed off.

5. Considering the communication X-1, we expect the Education Officer to take an appropriate decision on or before 20th April, 2022.

(S.G. DIGE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

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