

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

960 WRIT PETITION NO.14402 OF 2021

CHAITANYA SURESH BHADAKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Santosh S. Jadhavar
AGP for Respondent / State : Ms. R.P. Gour
Advocate for Respondent Nos.3 & 4 : Mr. P.G. Tambade

...

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

DATE : 29-09-2022

ORAL ORDER (PER SANDEEP V. MARNE, J.) :

. The petitioner challenges the order dated 24.08.2021 by which the proposal for appointment on compassionate ground on the post of peon has been turned down *inter alia* relying upon the Government Resolution dated 11.12.2020 under which there is ban on filling up the post of peon by which the post of peon is no longer included in the staffing pattern.

2. Ms. Gour, learned AGP places before us the instructions issued vide letter dated 14.09.2022 issued in pursuance of judgment and order dated 11.08.2021 passed by this Court in Writ Petition No.4219 of 2018. In the light of the said letter dated 14.09.2022, the case of the petitioner is required to be reconsidered as now the

reason of non sanction of the post of peon in the staffing pattern is no longer available for rejection of the case for compassionate appointment.

3. We, therefore, set aside the communication dated 24.08.2021 and remand the case to the Education Officer (Secondary), Zilla Parishad, Ahmednagar for reconsideration.

4. In the communication dated 24.08.2021 the respondent - Management was directed to clear the deficiencies in the proposal.

5. Mr. Tambade, learned Counsel appearing for the respondent – Management makes a statement that all the deficiencies in the proposal would be cured within a period of four weeks from today.

6. The respondent - Education Officer is directed to take a fresh decision on the proposal of removal of queries within a period of eight weeks thereafter.

7. We make it clear that we have not decided entitlement of the petitioner for compassionate appointment and direct that while reconsidering the proposal, the same shall not be rejected only on the

ground of the provisions of the Government Resolution dated 11.12.2020.

8. With the aforesaid directions, the Writ Petition is disposed of.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)