

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.4634 OF 2022**

|                                       |   |                    |
|---------------------------------------|---|--------------------|
| <b>Saurabh Madhukar Patil</b>         | ] | <b>Petitioner</b>  |
| <b>Vs.</b>                            |   |                    |
| <b>The State of Maharashtra</b>       | ] |                    |
| <b>Department of School Education</b> | ] |                    |
| <b>and others.</b>                    | ] | <b>Respondents</b> |

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Mr. Chetan G. Patil a/w Mr. Mandar G. Bagkar, for Petitioner.

Ms. S.S. Bhende, A.G.P, for Respondents N o.1 to 3-State.

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**CORAM : A. S. CHANDURKAR AND G.A. SANAP, JJ.**

**DATE : 18<sup>th</sup> APRIL, 2022.**

**P.C.**

1. Rule. Rule is made returnable forthwith. Learned A.G.P waives service for respondents No.1 to 3 – State. Service on respondents No.4 and 5 is dispensed with. Heard finally by consent of the learned Counsel for the parties.

2. Petitioner’s father was serving as a “Librarian” at respondent No.5 – School. He died on 11<sup>th</sup> December, 2014 during the course of service. The petitioner was appointed on compassionate basis as

“Librarian” on 1<sup>st</sup> March, 2016. The proposal for approval to the appointment of the petitioner was rejected on 10<sup>th</sup> May, 2016 relying upon the Government Resolution dated 12<sup>th</sup> February, 2015. It is the case of the petitioner that the aforesaid Government Resolution is not applicable to the appointments made on compassionate basis. The Headmaster has thereafter on 10<sup>th</sup> April, 2018 submitted a fresh proposal seeking approval to the appointment of the petitioner on the post of “Full Time Librarian”.

3. Considering the aforesaid, writ petition is disposed of by directing respondent No.3 to decide the proposal dated 10<sup>th</sup> April, 2018 seeking approval to the petitioner’s appointment. While doing so, judgment of this Court in **Writ Petition No.4673 of 2019 (Sunil Gundu Desai Vs. The State of Maharashtra and others)** dated **30th July, 2021** shall be taken into consideration along with other relevant aspects. The proposal be decided on it’s own merits within a period of six weeks from production of this order before respondent No.3.

4. Rule is made absolute in the aforesaid terms. No costs.

5. Writ Petition is disposed of.

[G.A. SANAP, J.]

[A.S. CHANDURKAR, J.]