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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3687 OF 2022

Karmveer Hire Kala Shastra Vanijya &
Shikshanshastra Mahavidyalaya Uccha
Through Principal & Anr. ... Petitioners
Versus
Vikramshinh Chimasahab Desai & Ors. ... Respondents

**WITH
WRIT PETITION NO.13806 OF 2018**

Vikramshinh Chimasahab Desai & Ors. ... Petitioners.
Versus
The Directorate of Vocational Education
& Training Mah State and Ors. ... Respondents

Mr. Mandar Bagkar for the Petitioners in WP 3687/2022.
Mr. S.B. Kalel AGP for the Respondent-State.
Mr. Saurabh Pakale for Respondent No.1 in WP 3687/2022 & for the
Petitioners in WP No.13806/2018.

**CORAM : S. V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : 23RD JUNE 2022

P.C. :

1. The proposal seeking approval to the appointment of the Petitioner as a Junior Clerk on compassionate ground is rejected.
2. We have heard learned counsel for the Petitioners, learned AGP for

the Respondent-State and learned counsel for the other Respondents.

3. Upon perusal of the order it transpires that the proposal is rejected on the ground that section 5 of M.E.P.S. Act has not been adhered to. The permission of the Authority has not been obtained for filling in the posts and there are surplus employees to be absorbed.

4. The reasons that are enumerated in the order regarding non compliance of section 5 of the M.E.P.S. Act, the permission of Authority, absorption of surplus candidates would not be available for appointment of a person on the compassionate ground.

5. In the light of that the impugned order is quashed and set aside. The Authority shall reconsider the proposal seeking approval to the appointment of the Petitioner as a Junior Clerk on compassionate ground on its own merits but shall not reject it on the ground of section 5 of the M.E.P.S. Act and/or availability of surplus candidates. The said proposal be decided expeditiously and preferably within four months. The Writ Petition No.3687 of 2022 is disposed of. No costs.

6. In view of disposal of Writ Petition No.3687 of 2022, nothing survives in Writ Petition No.13806 of 2018. The same also stands disposed of. No costs.

(S. M. MODAK, J.)

(S. V. GANGAPURWALA, J.)