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

WRIT PETITION NO. 4096 OF 2021

Dipak Yadav Ahire Petitioner
Vs.
State of Maharashtra & Ors. Respondents

WRIT PETITION NO. 4097 OF 2021

Sunil Sahebrao Sonawne Petitioner
Vs.
State of Maharashtra & Ors. Respondents

WRIT PETITION NO. 4095 OF 2021

Sopan Maraji Thakre Petitioner
Vs.
State of Maharashtra & Ors. Respondents

Mr. V. S. Tadke I/b. Balaji S. Shinde for the Petitioners
Mrs. P.J.Gavhane, AGP for the State
Mr. Rohit P. Sakhadeo for Respondent Nos.4 and 5

**CORAM: S.V.GANGAPURWALA &
R.N. LADDHA, JJ.**

DATED : OCTOBER 4, 2022

P.C.

1 The Application filed by the Petitioners for appointment on compassionate ground is rejected only on the ground that the father of the Petitioners were not possessing D.Ed qualification and they were untrained.

2 The learned Counsel for the Zilla Parishad submits that the proposals were submitted to the State Government and the State

Government has rejected the proposal for appointment of the present Petitioners on that ground.

3 The sole ground on which the Application is rejected is that the father of the Petitioners were untrained teachers. They were not possessing D.Ed qualification as such, the wards would not be entitled for appointment on compassionate ground. The learned Advocate for the Zilla Parishad relying upon the judgment of the apex court in the case of *Director of Treasures in Karnataka Vs. V. Somyashree dated 13th September 2021 in Civil Appeal No.5122 of 2021* submits that the norms prevailing on the date of consideration of the Application should be followed and that the appointment on compassionate ground can be made only on fulfilling the norms laid down by the State's policy and /or satisfaction of the eligibility criteria as per the policy.

4 There cannot be any debate with the proposition put-forth by the learned Advocate for the Zilla Parishad. The norms are required to be followed. However, the reason given for rejection of the Application does not appear to be proper. The father of the Petitioners are held entitled to receive pension. Their services are held to be pensionable. The services are rendered by them for more than 23 years. They were paid salary under the pay scale applicable

to the untrained teacher. They were considered to be regularly appointed.

5 In light of that, it cannot be said that only because the father of the Petitioners lacked D.Ed. qualification, the Petitioners would not be entitled for appointment on compassionate ground.

6 In view of that the impugned communication is quashed and set aside.

7 The Respondent Authority shall reconsider the Application filed by the Petitioners for appointment on compassionate ground and take decision afresh. Same shall not be rejected on the ground on which the impugned order is passed. The decision shall be taken expeditiously, preferably within three months.

8 The Writ Petitions are disposed of no costs.

(R.N. LADDHA,J.)

(S.V. GANGAPURWALA, J.)