

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3093 OF 2021

Praful Marotrao Panchabhai, Shirajgaon Band, Tq. Chandur Bazar, Dist. Amravati

-vs-

State of Maharashtra Thr. Principal Secretary, Administration Dept. Mantralaya, Mumbai and
ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Sachin S. Patil, Advocate for petitioner.

Ms H. N. Jaipurkar, Assistant Government Pleader for respondent
Nos.1 and 5.

Shri Abhay Sambre, Advocate for respondent No.2.

CORAM : A. S. CHANDURKAR AND SMT M. S. JAWALKAR, JJ.

DATE : March 14, 2022

Heard.

The petitioner's father was in service with the school run by the respondent No.2-Society on the post of Peon. He died in harness on 06/11/1999 at which time the petitioner was a minor. After attaining the age of majority the petitioner sought his appointment on compassionate basis. He moved applications dated 16/04/2007 and 26/03/2019 in that regard. On 11/03/2020 the Education Officer directed the respondent No.2-Society to take necessary steps as per the qualification of the petitioner with regard to his prayer for appointment on compassionate basis. Since there was no further progress in the matter, the petitioner has approached this Court.

2. According to the petitioner he is entitled to be appointed on the post of Junior Clerk on compassionate basis since he possesses requisite qualification in that regard. According to the respondent No.2, the petitioner can be accommodated on the post of 'Peon' which is presently available for being filled in on compassionate

basis. The petitioner has thereafter sought to rely upon Government Resolutions dated 06/06/2017 as well as 28/10/2004 to substantiate his contention.

3. We find that the Education Officer would be the proper authority to examine the qualifications of the petitioner so as to direct the respondent No.2 to provide employment to the petitioner either on the post of 'Peon' or 'Junior Clerk' according to his qualification.

4. In that view of the matter the following order is passed :

The petitioner shall within a period of ten days from today submit his educational qualification to the respondent No.2. The respondent No.2 shall thereafter within a period of one week of receipt of the petitioner's educational qualifications forward the same to the Education Officer who shall examine the same and convey to the respondent No.2 the post on which the petitioner could be appointed on that basis. The submission made on behalf of the respondent No.2 that if the petitioner is eligible to be appointed on the post of Peon, he shall be provided employment immediately is accepted. Similarly it is also stated on behalf of respondent No.2 that if the petitioner is eligible to be appointed on the post of 'Junior Clerk' such appointment on compassionate basis would be made on a post being available in that regard.

With these directions, the writ petition is disposed of.

No costs.

(Smt M. S. Jawalkar, J.)

(A. S. Chandurkar, J.)