

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Civil Application (CAW) No. 120/2020

IN

Writ Petition (WP) No. 4857/2017 (D)

Vishakha wd/o Babadas Meshram

..VS..

Secretary, Pandurang Prasadik Shikshan Prasarak Mandal, Nagpur and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.I. Jagirdar, Advocate for the applicant

Shri M.B. Turankar, Advocate for non-applicant nos. 1 and 2

Mrs. Sangeeta S. Jachak, AGP for non-applicant nos. 3 and 4

CORAM : A. S. CHANDURKAR AND G.A. SANAP J.J.

DATED : 14/02/2022

The applicant is the original petitioner who seeks clarification/modification of the order dated 16.01.2018 passed in Writ Petition No. 4857/2017. By the said order, the direction sought by the petitioner to appoint her on compassionate basis came to be issued by directing the Education Officer to include the petitioner's name in the list of dependents entitled for compassionate appointment. According to the learned Counsel for the applicant, it has been observed in the order dated 16.01.2018 that in view of Government Resolution dated 12.02.2015 imposing a ban on the appointment of non-teaching staff, it would not be within the domain of the Education Officer to appoint the petitioner in some other school if there was a vacancy. It is submitted that the Government Resolution dated 12.02.2015 applies to appointments made on a vacant post or on a newly sanctioned post.

The aforesaid Government Resolution dated 12.02.2015 has been subject matter of consideration in various writ petitions by this Court. It has been held that the ban implemented by the Government Resolution does not apply to appointment on a Class IV post on compassionate basis as such appointment has to be made on the post held by the deceased employee. In the present case, the father of the petitioner held the post of Peon. It is, therefore, clarified that the ban contemplated by the Government Resolution dated 12.02.2015 would not be applicable in the present case since the applicant seeks appointment on compassionate basis. The Education Officer can proceed to implement the direction of referring the petitioner's name for compassionate appointment as it is stated in his reply that the name of the petitioner finds place at Sr. No. 18 in the waiting list.

With this direction, the civil application is disposed of.

JUDGE

JUDGE

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GATE

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