

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

989 WRIT PETITION NO.5676 OF 2022

JAYESH JIJABRAO BORSE
VERSUS
CHALISGAON EDUCATION SOCIETY THROUGH ITS CHAIRMAN
AND JUNIOR COLLEGE COMMITTEE AND OTHERS

...
Advocate for Petitioner : Mr. Paresh B. Patil (Borse)
Advocate for the respondent no. 1 and 2 : Mr. R.I. Wakade
Addl. GP for the respondent – State : Mrs. M.A. Deshpande
...

**CORAM : MANGESH S. PATIL &
S.G. CHAPALGAONKAR, JJ.**

DATE : 13 JUNE 2023

PC :

Heard the learned advocate for both the sides and perused the papers.

2. The petitioner is seeking compassionate appointment which is being denied by the respondent – management mainly on the ground of there being a ban on the recruitment process in the light of the government resolutions issued from time to time.

3. It is pertinent to note that in paragraph no. 13 of the affidavit in reply filed on behalf of the management, the management has expressly mentioned that it is ready to appoint the petitioner if it is so directed by this Court.

4. The issue regarding applicability of the government resolution putting a ban on the recruitment has been consistently held to be not applicable to the compassionate appointments since those are not supposed to be appointments by undertaking a selection process.

5. In view of above, we allow the writ petition and direct the respondents no. 1 and 2 – management to consider the petitioner's application for compassionate appointment on its own merits. The decision shall be taken as expeditiously as possible and in any case within six weeks, however, it shall not be rejected on the ground of ban on the recruitment.

[S. G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/