

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7127 OF 2022

**GOPAL LALSING MALI
VERSUS
THE STATE OF MAHARASHTRA, THROUGH ITS SECRETARY AND OTHERS**

.....
Advocate for Petitioner : Mr. Amarjitsing B. Girase
AGP for Respondent Nos.1 to 4 : Mr. S. G. Sangles
Advocate for Respondent Nos.5 and 6 : Mr. N. L. Chaudhari
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.**

DATED : 01st MARCH, 2023

PER COURT :

1. We have considered the submissions of the learned Advocates for the Petitioner and Respondent Nos.5 and 6 Management.
2. Issue is as regards whether the Petitioner can be considered for compassionate appointment. The learned Advocate for the Management points out from a Judgment delivered by this Court dated 5th February 2014 in First Appeal No.1633 of 2012, more particularly clause (II) of the operative part of the order, which reads as under :-

(II) They shall not take major decision to disturb the framework of trust or shall not modify or remove the existing staff pattern of the trust, particularly the school. Operation of bank accounts shall remain as was prevalent till passing the order dated 23rd August, 2012.”

3. We are of the view that the said clause / direction of the learned Single Judge would not be an impediment for the Management to consider the case of the Petitioner on its own merits for the purpose of compassionate appointment. The learned Single Judge has directed that a major decision to disturb the framework of the trust or modify or remove the existing staff pattern of the trust, should not be taken. The case in hand is as regards the claim of the Petitioner for compassionate appointment. The father of the Petitioner passed away while on duty on the Respondent No.6 School on 25/03/2016.

4. In view of the above, this Petition is disposed off by granting liberty to the Management to consider the request of the Petitioner, on its own merits and by following the due procedure laid down in law, preferably within 60 days from today.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)