

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

WRIT PETITION NO.6297 OF 2023

**ANKUSH JAGANNATH GADAGE
VERSUS
STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS**

...
Advocate for the Petitioner : Shri Joshi Ajinkya Anand
AGP for Respondents 1 and 2/State : Shri P.K. Lakhotiya
...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRADE, JJ.**

DATE :- 21st September, 2023

Per Court :-

1. The Petitioner's father joined in 2003 as a Helper. He passed away on 25.06.2020. The Petitioner, son of the deceased, has not stated in the Petition that his father was a permanent employee.
2. After the notice was issued by this Court, Respondent Nos.3 and 4 have not caused an appearance despite service of court notice.
3. We have perused the impugned order dated 12.10.2020 wherein, the Headmaster has conveyed to the

Petitioner that he cannot be appointed as the roster is not finalized.

4. In view of the above, **this Writ Petition is partly allowed** as under:-

(a) The impugned order of the Management dated 12.10.2020 is rendered inconsequential since we are directing Respondent No.2/ Education Officer to initiate steps to ensure that the roster is finalized. For the said purpose, he is at liberty to seek guidance from the higher authorities.

(b) We permit the Petitioner to file an application for compassionate appointment, to the Education Officer, who shall take up the said issue with the Management in order to enlist the name of the Petitioner in the waiting list for appointment on compassionate basis.

(c) Based on the entry of the Petitioner in the waiting list, his case would be considered, if eligible, for compassionate appointment in view of the demise of his father.

(d) Needless to state, considering Annexure-A to the Government Resolution dated 31.12.2002 and the judgment of this Court dated 11.08.2021 delivered in ***Yogita Shivsing Nikam Vs. State of Maharashtra***, Writ Petition No.4219/2018

(Aurangabad), *2022(2) Mh.L.J. 370*, the Petitioner's request for compassionate appointment would not be obstructed merely because the roster is not finalized or there is a ban on recruitment.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)