

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

108 WRIT PETITION NO.9949 OF 2022

SAVITA SANJAY PAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. S.S. Wagh h/f S.T. Shelke
AGP for Respondents : Mr. P S Patil

...

CORAM : MANGESH S. PATIL & S. G. CHAPALGAONKAR, JJ.
Dated: June 05, 2023

...

PER COURT :-

1. Heard the learned advocate for the petitioner as also the learned AGP.

2. The petitioner was appointed on compassionate ground in place of her deceased husband as a Peon. By the impugned order, the proposal submitted for grant of approval to her appointment has been turned down by the respondent no.2 Education Officer (Secondary), Zilla Parishad, Ahmednagar on various grounds. The first 14 reasons quoted therein are in respect of various compliances to be made by the Management. Obviously, if there are some such deficiencies, the petitioner and the Management will have to comply with those while seeking approval.

aaa/-

3. The impugned order also refers to the Government Resolution dated 12.2.2015, whereby the State Government had imposed ban on the fresh recruitment as a ground for refusing to grant approval.

4. This Court in catena of decisions has laid down that appointment on compassionate ground being not a fresh appointment against a new post, Government Resolution dated 12.2.2015 will have no relevance.

5. We allow the writ petition partly. The impugned order dated 5.2.2021 passed by the Respondent no.2-Education Officer (Secondary), Zilla Parishad, Ahmednagar is quashed and set aside. The petitioner and the Management to comply with the deficiencies pointed out in this impugned communication. Thereafter the respondent no.2 shall take a fresh decision, but shall not refuse to grant approval only on the ground that there was ban on the recruitment pursuant to the Government Resolution dated 12.2.2015. The decision shall be taken as expeditiously as possible.

6. Writ Petition is disposed of.

(S. G. CHAPALGAONKAR, J.) (MANGESH S. PATIL, J.)

...

aaa/-