

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO.378 OF 2023

VIDYANAND NARHARI THOKAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

Advocate for Petitioners : Mr. Patil Kalyan V
AGP for Respondents 1 and 2: Mr. S.K. Tambe

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 19th JANUARY, 2023.**

PER COURT :-

1. On 16.01.2023, we had disposed off this petition by granting liberty to the petitioner to approach the Education Officer. Before we could sign the order, the petitioner moved a motion requesting that the matter to be listed as he intends to cite a Government Resolution. We, therefore, did not sign the order of disposal and listed this petition today.

2. The petitioner's father passed away while in employment on 30.08.2020. An application dated 10.03.2021 was filed for seeking appointment on compassionate basis.

3. The petitioner seeks a writ of mandamus against a private Education Society, which is not 'State' Under Article 12 of the Constitution of India. The learned advocate for the petitioner submits

that the petitioner would approach respondent No.2- Education Officer (Secondary), praying for directions to be issued to respondent Nos. 3 and 4 to decide his pending application for compassionate appointment.

4. The petitioner cites a Government Resolution dated 21.09.2017 and contends that he is clearly covered by the Government Resolution and the Education Officer may be directed to consider his case by calling upon the management, in the light of the said Government Resolution, to issue an appropriate order.

6. In view of the above, this petition is disposed off with liberty to the petitioner to approach the Education Officer (Secondary), Zilla Parishad, Aurangabad, with a representation, mentioning therein that the petitioner has moved an application dated 10.3.2021 to the management for seeking compassionate appointment in the light of the Government Resolution dated 21.09.2017.

7. We expect, the Education Officer to refer the case of the petitioner to the management in the light of the said Government Resolution, initiating appropriate steps, as may be permissible in law.

8. Since the Government Resolution has been designed to ensure that compassionate appointments are made in accordance with the Rules and to the categories to which the Government

Resolution would apply, the Education Officer would consider the stand of the management as well as the petitioner and issue appropriate instructions to the management.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/