

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

WRIT PETITION NO.13683 OF 2023

**CHETAN ARJUN SHEJWAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for the Petitioners : Shri Pote Ketan D.
AGP for Respondents 1 and 2/State : Shri P.S. Patil

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

DATE :- 01st November, 2023

Per Court :-

1. The father of Petitioner No.1 has passed away on 15.05.2020. Petitioner No.2 is the widow. An application for compassionate appointment is filed within time. Details of the family having received gratuity and pension have been stated in the pleadings. EMI towards home loan being paid by the widow as well as the medical bills, are also set out in the memo of the petition. The Headmaster is said to have forwarded the proposal to the Education Society and a copy is earmarked to the Education Officer.

2. It is further informed that the Education Officer has directed all such schools to tender details as regards the number

of the pending applications seeking compassionate appointment.

The grievance is that there is no response.

3. The law laid down by the Honourable Supreme Court in *Malaya Nanda Sethy vs. State of Orissa and others, 2022 SCC Online (SC) 684*, indicates that the proposals for compassionate appointment should be considered expeditiously and more specifically within a period of six months.

4. In view of the above, **this Writ Petition is disposed off** with the following directions:-

(a) The representation of the Petitioners addressed to the Education Officer, dated 27.04.2023, shall be taken to a logical end within 90 days from today.

(b) The Education Officer shall give an ultimatum to all the schools under his jurisdiction to tender details about all proposals seeking compassionate appointment, within 45 days and thereafter, ensure that the law laid down in *Malaya Nanda Sethy* (supra) is followed.

(c) The applications for compassionate appointments are enlisted as per the dates of submission and that would be treated as seniority of such applications for the purposes of consideration such candidates for appointment on compassionate basis.

(d) If any Management defies the direction of the Education Officer, we permit the Education Officer to initiate strict action against such Management and recommend stoppage of salary grants or appointment of an Administrator.

5. Since we find that there are hundreds of such cases, wherein, the Managements and at times the Education Officers are busy passing the buck from one to another, **we direct the learned Registrar (Judicial) of this Court to place this order** before the Principal Secretary, School Education and Sports Department and the Principal Secretary, Higher and Technical Education Department, State of Maharashtra, who shall issue general directions to the Education Officers to direct all the Managements to submit details as regards the pending applications/ proposals for compassionate appointments within a particular period and thereafter, the law laid down by the Honourable Supreme Court in ***Malaya Nanda Sethy*** (supra) shall be scrupulously followed so as to take a decision within six months from the date of the application.