



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.7159 of 2023

Bharat S/o Madhukar Sabale

Versus

The State of Maharashtra and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of direction
and the Registrar's orders.*

Court's or Judge's order

Shri Naresh Kolhe, Counsel for Petitioner.

Shri D.P. Thakre, Additional Government Pleader for Respondent Nos.1 and 2.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 8th DECEMBER, 2023.

1. In this petition, the prayer of the petitioner is for the grant of compassionate appointment on account of the death of his father who was working as a Lecturer in respondent No.3-College, run by respondent No.3-Society, registered under the Maharashtra Public Trusts Act, 1950, and managed by the respondent No.3-Education Officer (Secondary), Zilla Parishad, Washim. The deceased father of the petitioner is informed to have been appointed as a Lecturer in 1989 and died on 16-10-2010.

2. According to the petitioner, he is S.S.C. pass and as such entitled to be appointed in the Class-IV category with the respondent Nos.3 and 4. The petitioner made a representation in this regard to respondent No.3, a copy of which was also forwarded to the Collector, Washim, as could be noticed from the communications, which are placed on record, particularly the communication dated 8-12-2014 issued by the Collector, Washim to the Education Officer (Secondary), Zilla Parishad, Washim, and the communication dated 25-5-2016 issued by the Education Officer (Secondary), Zilla Parishad, Washim, to the respondent Nos.3, so also other communications issued by the same authorities. We are informed that to this date, respondent No.3 has not decided the representation of the petitioner.

3. We have heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for respondent Nos.1 and 2. The learned Additional Government Pleader would urge that it is for the respondents Nos.3 and 4 to consider and decide the representation of the petitioner and if such vacancy exists, to grant such appointment to the petitioner in accordance with law.

4. Having considered the rival claims, what can be noticed is that the representation of the petitioner for a grant of compassionate appointment was forwarded by respondent No.2- Education Officer to respondents No.3 and 4.

5. In law, having regard to the existence of the policy for grant of appointment on compassionate grounds, the respondent Nos.3 and 4 are duty bound to deal with the representation of the petitioner which was forwarded to them by the respondent No.2- Education Officer

6. In the aforesaid background, we deem it appropriate to direct the respondent Nos.3 and 4 to decide the representation of the petitioner for grant of compassionate appointment by passing a reasoned order in accordance with law in any case within a period of four weeks from the date of receipt of the order by the respondent Nos.3 and 4.

7. With the above direction, the writ petition stands disposed of.

8. Needless to observe, it shall be open for the petitioner to question the order passed by respondent Nos.3 and 4, if it is adverse to him.

9. We are dispensing with the presence of the respondent Nos.3 and 4, as the order passed is innocuous, i.e. not detrimental to the interests of the respondent Nos.3 and 4, as we are only directing the said respondents to decide the representation of the petitioner in accordance with the law.

(ABHAY J. MANTRI, J.)
SAMBRE, J.)

(NITIN W.