

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

WRIT PETITION NO. 6493 OF 2022

- 1) Shyamlata Bahuudeshiya Shikshan
Sanstha, Reg. No. F 1420(B),
through its Secretary Ku. Bhumika
Shyamkishore Pashine, Office at
Bhandara, Tahsil and District
Bhandara – 441904.
- 2) Smt. Anusayabai Pashine High School,
Dasgaon, through its Head Mistress,
Tahsil and District Gondia.
- 3) Smt. Jaishree wd/o Rameshwar
Barmunshi, Aged about 40 years,
Occupation – Service (Peon),
R/o At & Post Dasgaon, Tahsil and
District Gondia.

.... **PETITIONERS**

VERSUS

- 1) State of Maharashtra,
through its Secretary, Department
of Education, Mantralaya, Mumbai-32.
- 2) The Education Officer (Secondary),
Zilla Parishad, Gondia - 441902.

.... **RESPONDENTS**

Mr. Anant Dixit, Counsel for the petitioners,
Mr. M.K. Pathan, Assistant Government Pleader for the
respondents.

CORAM : ROHIT B. DEO & MRS. VRUSHALI V. JOSHI, JJ.
DATED : 27th APRIL, 2023

ORAL JUDGMENT : (PER : R.B. DEO, J.)

Heard. **Rule.** Rule made returnable forthwith with consent of the parties.

2. The challenge is to the communication-cum-order dated 25-5-2022 whereby the appointment of petitioner 3 as Peon, on compassionate grounds, is not approved on the premise that in view of the Government Resolution dated 11-12-2020 Class-IV posts are abolished.

3. The learned Assistant Government Pleader Mr. M.K. Pathan fairly states that he has received instructions from the Education Officer (Secondary), Zilla Parishad, Gondia that in view of the subsequent Government decision dated 14-9-2022 governing appointment on compassionate grounds, the proposal can be revisited and decided on its own merits and shall not be rejected on the ground that Class-IV posts are abolished. Mr. M.K. Pathan has made available for our perusal the communication dated 22-2-2023 addressed by the Education Officer to the office of the

Government Pleader, Nagpur. The communication is returned to the learned Assistant Government Pleader, after perusal.

4. In this view of the matter, the communication impugned 25-5-2022 is quashed.

5. The petitioners shall appear before the Education Officer (Secondary), Zilla Parishad, Gondia on 02-5-2023.

6. The proposal seeking approval shall be considered by the Education Officer on its own merit, and shall not be rejected on the ground that Class-IV posts are banned.

7. We expect that the decision shall be taken within four weeks from the date of appearance of the petitioners.

8. The petition is allowed in the afore-stated terms.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

adgokar

Digitally signed by PRAFULLA
MANOHARRAO ADGOKAR
Signing Date: 28.04.2023 11:00