

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

WRIT PETITION NO.5303 OF 2021

(Lal Bahadur Shastri Shikshan Prasarak Mandal, thr. its Secretary, Digras (Khurd)
and another Vs. State of Maharashtra thr. its Secretary, Social Justice and Special
Asstt. Department, Mumbai and others)

WRIT PETITION NO.7479 OF 2022

(Santosh s/o Sitaram Jadhav Vs. State of Maharashtra thr. its Secretary, Other
Backwar Bahujan Welfare, Mumbai and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Anand Parchure, Advocate for Petitioners [WP 5303/2021].
Mr. M. K. Pathan, AGP for Respondents 1 to 3/State [WP 5303/2021].
Mr. M. R. Joharapurkar, Advocate for Respondent 4 [WP 5303/2021].
Mr. M. R. Joharapurkar, Advocate for Petitioner [WP 7479/2022].
Mr. M. K. Pathan, AGP for Respondents 1 to 4/State [WP 7479/2022].
Mr. Anand Parchure, Advocate for Respondents 5 to 8 [WP 7479/2022].

CORAM: ROHIT B. DEO AND M. W. CHANDWANI, JJ.

DATE: 2nd AUGUST, 2023.

Writ Petition 5303/2021 is filed by the Lal Bahadur Shastri Shikshan Prasarak Mandal questioning the order dated 14.07.2021 and other consequential orders directing the petitioner to appoint Mr. Santosh Sitaram Jadhav as Assistant Teacher on compassionate ground.

2. Writ Petition 7479/2022 is filed by Mr. Jadhav seeking implementation of the directions which the management has assailed in Writ Petition 5303/2021. During the pendency of the petition Mr. Jadhav is issued appointment order as Assistant Teacher.

3. It is now common ground that these petitions can be disposed of.

4. However, before parting with this brief order, we must record the concerns articulated by Mr. Parchure.

5. Mr. Parchure submits that the ground reality is that persons who are absolutely incompetent are virtually forced upon the management under the garb of compassionate appointments. The candidate is not required to pass the muster of selection process. What is more, the State Government has exempted such candidate from the condition of clearing the Teacher Eligibility Test (TET) examination, with the result that there is absolutely no quality control. It happens, more often than not, that the person who is sent to the educational institution for being appointed is ill equipped to teach, and the ultimate casualty are the students.

6. While the concerns are raised in the context of Mr. Jadhav, we would refrain from making any observation on the individual case leaving it to the management to take appropriate steps in the matter.

7. However, we do *prima facie* find that the concerns will have to be addressed at some point or the other. In the present matter, there is no challenge to the decision of the State Government which exempts appointment on compassionate ground from the

requirement of the TET, and therefore, we are not in a position to address the issues which are flagged by Mr. Parchure. In an appropriate matter, the issues will certainly have to be considered with the seriousness which the issues deserve.

8. The petitions are disposed of.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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