



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 WRIT PETITION NO.2222 OF 2023

Smt. Nilima Sachin Bhabad
Nilima Ashokbhai Nagre (before Marriage)
Age: 33 years, Occu.: Nil,
R/o. Plot No.25, Jay Bajrang Colony,
Om Nagar Mage, Zenda Chowk,
Aakashwani Kendra Chya Pacchimesh,
Walwadi, Shiwar, Dhule,
Tq. And Dist. Dhule

.. PETITIONER

VERSUS

1. The State of Maharashtra,
Through it's Principal Secretary,
Sports and Education Department,
Mantralaya, Mumbai-32.
2. The Deputy Director of Education,
Nashik Division, Nashik.
3. The Education Officer (Secondary)
Zilla Parishad, Jalgaon.
4. Chalisgaon Education Society Chalisgaon,
Tq. Chalisgaon, Dist. Jalgaon,
Through it's President/Secretary.
5. Anandibai Bankat Boy's Secondary Vidyalaya,
Chalisgaon, Tq. Chalisgaon, Dist. Jalgaon,
Through it's Head Master.
6. Gram Vikas Shikshan Sanstha Mudi,
Tq. Ambalner, Dist. Jalgaon,
Through it's President/Secretary.
7. V. Z. Patil High School, Shiroad,
Tq. Amalner, Dist. Jalgaon,
Through it's Head Master.

.. RESPONDENTS

...
Mr. D. A. Karnik, Advocate for the Petitioner.
Mr. D. R. Korde, AGP for Respondent Nos.1 to 3 – State.
Mr. R. I. Wakade, Advocate for Respondent Nos.4 and 5.
Mr. P. V. Barde, Advocate for Respondent Nos.6 and 7.
...

**CORAM : MANGESH S. PATIL AND
SHAILESH P BRAHME, JJ.**

DATE : 10 JUNE 2024

ORDER :-

Heard both the sides.

2. The petitioner is seeking compassionate appointment as peon in place of her deceased husband, who was serving with the respondent No.5 School, but unfortunately passed away on 27 September 2022.

3. Considering the fact that in the affidavit-in-reply filed on behalf of the respondent Nos.4 and 5 no factual disputes are being raised in respect of either the fact that the petitioner's husband was lastly serving with respondent No.5 School and her request for being appointed on compassionate ground, it would have been appropriate for these respondent Nos.4 and 5 to have objectively considered the petitioner's request and to have taken some decision either way. It seems that without undertaking any such exercise, for the first time they are trying to obviate the responsibility by pointing out that no post is vacant for the petitioner to be appointed.

4. Conspicuously, the affidavit-in-reply expressly mentions about only two of the peons out of four have been appointed as regular

peons, the others being only on honorarium basis. Meaning thereby that it is not the stand of respondent Nos.4 and 5 that these other two individuals have been appointed to the post of peon through a regular process.

5. Independently, the respondent Nos.4 and 5 ought to have considered the petitioner's request on its own merits and in accordance with government policy. Without resorting to it, some excuse is being now put up for inability to consider her request.

6. In the circumstances, when according to the stand being taken by the respondent Nos.4 and 5, only two peons have been appointed on regular basis, it would be appropriate that they are directed to consider the petitioner's request for being appointed on compassionate ground.

7. We allow the writ petition partly and dispose it of, by directing respondent Nos.4 and 5 to consider the petitioner's application for appointment on compassionate ground on its own merits and in accordance with law as expeditiously as possible and in any case, within a period of six weeks.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

scm