



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

WRIT PETITION NO. 3782 OF 2023

AMOL ANKUSH SABALE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. Temak Rahul B.

AGP for Respondents/State : Mr. A.S. Shinde

Advocate for Respondent Nos. 3 & 4 : Mr. Kanawade Ajay T.

...

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 11th NOVEMBER 2024

ORDER (Per Shailesh P. Brahme, J.) :

. Heard both the sides finally.

2. The petitioner is challenging order dated 21.12.2022 passed by the respondent no.2/Education Officer (Secondary) Ahmednagar, rejecting his proposal seeking approval to his appointment on compassionate ground.

3. The petitioner was appointed on 02.01.2017 as a Shikshan Sevak on compassionate ground as his father was in service who lost 100% vision and was disabled. The respondents/Management submitted proposal seeking approval of the appointment of the petitioner. By impugned order, it was rejected, citing certain reasons.

4. Learned Counsel for the petitioner submits that the deficiencies which are reflected in the impugned order are curable and removable. The petitioner is armed with the disability certificate. The respondents/Management is also ready to remove the deficiencies, if opportunity is granted.

5. Learned AGP supports impugned judgment and order. Mr. Shinde submits that there is Government policy bearing Government Resolution dated 22.08.2005 which does not provide for appointment on compassionate ground for visual disability. He would submit that the appointment is not in accordance with law and therefore the proposal is rightly rejected by the Education Officer (Secondary), Ahmednagar.

6. The proposal of the petitioner is rejected on the ground that petitioner is not holding TET qualification and on some other grounds also. Whether TET qualification is an essential qualification or not, is an issue pending before the Honourable Supreme Court. The respondents/Management is ready to cure the defects and submit the fresh proposal. The petitioner relies on the Government Resolution dated 31.12.2002. Learned AGP has referred to Government Resolution dated 22.08.2005. Interestingly, the impugned order does not reflect the reason of rejection on the ground of either of the Government Resolution.

7. We are of the considered view that the interest of the justice

would be subserved if the matter is relegated to the respondent no.2/Education Officer (Secondary) Ahmednagar for considering it afresh. However it is made clear that it should not be rejected on the ground that petitioner does not have TET qualification.

8. The writ petition is disposed of with a direction to the respondent no.2/Education Officer (Secondary), Ahmednagar to reconsider the fresh proposal to be submitted by the respondent no.3 and 4/Management.

9. Respondent no.3 and 4/Management shall submit the proposal to the respondent no.2/Education Officer within a period of two weeks. The respondent no.2/Education Officer (Secondary) shall reconsider the proposal on its own merits and decide it within three weeks thereafter. The decision shall be communicated to the parties.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]