



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO.4317 OF 2024

PADMAKAR GANESHRAO PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. B.P. Gonare, Advocate for petitioner

Mr. P.S. Patil, AGP for respondent Nos.1 to 3

...

CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 25th APRIL, 2024

ORDER :

1 Present petition has been filed to challenge the impugned order dated 31.07.2023 passed by respondent No.2 refusing to include the name of the petitioner in Shalarth ID.

2 The petitioner contends that his father was serving with respondent No.5 school run by respondent No.4 institution. His father sustained head injury and was unable to discharge his job and, therefore, he was declared unfit by the Medical Board by issuing certificate dated 30.11.2022. Therefore, his father has taken voluntary retirement since

31.07.2022. Respondent No.4 passed a resolution dated 10.06.2022 to appoint the petitioner on compassionate ground which is stated to be in view of the Government Resolution dated 31.12.2002. The petitioner contends that his appointment has been approved by the Education Officer by order dated 30.12.2022 and thereafter proposal was given for inclusion of his name in the Shalarth Pranali. Respondent No.3 by impugned order dated 31.07.2023 asked the petitioner to produce heirship certificate as contemplated under Section 2 of Bombay Regulation VIII of 1827 and on that count the proposal has been rejected.

3 We do not want to go into the merits of the case further. The only thing which we could find from the documents which are produced on record that the father of the present petitioner is still alive. Under such circumstance, there cannot be a heirship certificate and, therefore, this fact ought to have been considered by respondent No.2. The ground of rejection is therefore incorrect. It deserves to be set aside and the matter is required to be relegated back to respondent No.2 to decide the proposal afresh. Hence, the following order.

ORDER

1 The Writ Petition stands partly allowed.

2 The impugned order dated 31.07.2023 is hereby set aside.

3 Respondent No.2 to decide the proposal dated 07.06.2023
forwarded by respondent No.5 through respondent No.3 afresh.

4 Such decision be taken within a period of two months from
today.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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