



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 WRIT PETITION NO. 10296 OF 2021

KALPESH RAMAKANT DESHMUKH
VERSUS
ASHIS SHIKSHAN SANSTHA THROUGH ITS CHAIRMAN

...
Mr. Paresh B (Borse) Patil, Advocate for the Petitioner.
Mr. S. K. Shirse, AGP for Respondent No.4 – State.
Mr. V. V. Bhavthankar, Advocate for Respondent No.1 and 2.
Mr. S. V. Natu, Advocate for Respondent No.3.
...

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

DATE : FEBRUARY 06, 2024.

ORDER :-

. Present petition has been filed for following relief :-

“B) This Hon’ble Court kindly be issued Writ of Mandamus or any other kind of appropriate writ like nature or by appropriate orders and directions, directions may kindly be given to the respondents to consider the claim of the petitioner on compassionate ground and to appoint the petitioner at respondent No.3 Secondary School on the compassionate basis on the vacant post of the peon on non-teaching staff or any other suitable post of as per educational qualification of the petitioner for which the petitioner is entitled for as per the Scheme of G. R. dated 15.02.2018 and G. R. dated 26.08.2021, for that purpose this Hon’ble Court may pass appropriate orders.”

2. Learned Advocate Mr. Bhavthankar appearing for respondent Nos.1 and 2 submits that respondent Nos.1 and 2 were under impression that since the appointments are banned, they cannot forward the proposal which was submitted by the petitioner. However, their doubt has been cleared in view of the affidavit-in-reply filed on behalf of respondent No.4, wherein it is stated that the appointing authority is the school management and upon the appointment made by the school management, the proposal for grant of approval can be considered by respondent No.4 in accordance with law. In view of the same, respondent Nos.1 and 2, out of which respondent No.2 is present before the Court and giving instructions to learned Advocate Mr. Bhavthankar, states that the proposal would be submitted within eight days from today.

3. Learned Advocate Mr. Patil appearing for the petitioner submits that he is satisfied with the said statement and the petition can be disposed of in view of the said statement.

4. The said statement is taken as undertaking to be complied by respondent No.2.

5. Accordingly, the writ petition stands disposed of.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm