

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9081 OF 2021

Abdussamad Rafiq Faras

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Chetan Patil for the Petitioner.

Mr. K.S. Thorat, 'B' Panel Counsel for the Respondent Nos. 1 to 3/State.

Mr. Ashutosh Kulkarni a/w Siddharth Shitole for Respondent Nos. 4 to 6.

SNEHA
NITIN
CHAVAN

Digitally signed
by SNEHA
NITIN CHAVAN
Date: 2024.06.18
10:36:18 +0530

**CORAM : NITIN JAMDAR AND
M.M. SATHAYE, JJ.**

DATE : 13 JUNE 2024

P.C. :

. On 22 April 2024, the following order came to be passed.

"P.C.:

. *On 28 March 2024, the following order came to be passed:*

"1. Pursuant to the earlier order, learned AGP has taken instructions and points out based on the instructions that the Government Resolution upon which reliance is placed by the Respondent-Management is in respect of the General Administration Department and as regards the compassionate appointment in

the aided and unaided school, the issue is governed by the Government Resolution dated 31 December 2002. Learned AGP states that it is now that on 21 March 2024 that the Respondent – Management has sent a proposal.

2. Learned Counsel for the Respondent No. 4 seeks time to place the proposal submitted on record. If the proposal is not as per the format provided in the annexure to the Government Resolution dated 31 December 2002, the Respondent - Management will ensure that it is as per format.

3. Stand over to 22 April 2024 to enable the Respondent- Management to place the proposal on record.”

2. The learned counsel for Respondent Nos. 4 to 6 now states that what is submitted is not the proposal but only reply to the query raised regarding staffing pattern. Learned AGP points out that first, steps will have to be taken by the Respondent- Management to initiate the process for appointment and then to send the proposal.

3. The learned counsel for the Respondent-Management again sought to refer to the Government Resolutions to contend that the Petitioner lacks in basic eligibility which have already been clarified by the learned AGP. Reliance of the Respondent Management seems to be more on Government Resolutions which are already clarified. Accordingly, we see no reason why the Respondent- Management cannot initiate the process of the appointment and send the proposal. In the matters of compassionate appointment,

immediate steps are required to be taken because the very idea of compassionate appointment is to give support to the bereaved family.

4. *Stand over to 13 June 2024.”*

2. The learned counsel for the Respondent-Management states that Respondent-Management is ready to give the post of Junior Clerk and has sent a communication to the Petitioner on 7 June 2024 calling for his consent for appointment on the post of Junior Clerk.

3. The learned counsel for the Petitioner states that on 12 June 2024, the Petitioner has conveyed his consent.

4. In view of the consensus between the Petitioner and Respondent-Management, the Respondent-Management will issue necessary order of appointment and submit proposal to concerned Education Officer within a period of 3 weeks from today. Thereafter, the Education Officer will examine the proposal on its own merits and take necessary decision within a period of 4 weeks thereafter. If the approval is granted, necessary consequential steps be taken.

5. The Writ Petition is disposed of accordingly.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)