

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2170 OF 2022

Yogiraj Milind Powar

...Petitioner

Versus

The State Of Maharashtra Thr. Secretary

School Education And Sports Dept. And Ors ...Respondents

Mr. Prashant Bhavake for the Petitioner.

Ms. Rupali Shinde, AGP for the Respondent Nos. 1 to 5/State.

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

DATE : 6 MARCH 2024

P.C. :

1. The Petitioner's proposal for approval of Petitioner's appointment for the post of 'Peon' on compassionate basis was rejected by the impugned order dated 23 June 2021. The Education Officer in the impugned order has referred to the Government Resolutions dated 23 October 2013, 22 January 2019 and 11 December 2020. The sum and substance being that this Government Resolutions did not permit processing of proposal for appointment on compassionate basis.

2. The learned counsel for the Petitioner states that after passing

of the impugned order, the position has undergone change by way of subsequent circulars being issued and now there is no impediment in the way of the Education Officer to process the approval.

3. That being the position, we convert the impugned order dated 23 June 2021 as a notice to the Respondent/Management stating out proposed grounds for rejection.

4. The Respondent-Management/Petitioner can place before the Education Authority all the subsequent Government Resolutions and circulars and upon examining the same, the Education Officer will pass suitable order regarding the proposal on approvals. Let this exercise be carried out within a period of 8 weeks.

5. The fresh circulars have been issued as well as there have been decisions of this Court interpreting the above mentioned circular. If the approval is granted, all the consequential steps be taken.

6. The Writ Petition is disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)