



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 618 OF 2025

1 Chaitanya Sanjay More,
Age : 20 years, Occu : Service,
R/o : Vidyasagar Kanya Prasala,
Khandala, Tq. Vaijapur,
Dist. Chh. Sambhajinagar (Aurangabad)

2 Vidyasagar Shikshan Prasarak Mandal,
Chh. Sambhajinagar (Aurangabad)
Through its Secretary

.... **Petitioners**

Versus

1 The State of Maharashtra
Through its Secretary
School Education Department,
Mantralaya, Mumbai - 32

2 The Divisional Deputy Director Of Education,
Chairman, Revised Grievance Redressal Committee,
Office of the Divisional Deputy Director of Education,
Near Bhadkal Gate, Chh. Sambhajinagar (Aurangabad)

3 The Education Officer (Secondary), Zilla Parishad,
Chh. Sambhajinagar (Aurangabad)

.... **Respondents**

...
Advocate for the Petitioners : Mr. Tushar Shinde h/f Mr. C. K. Shinde
AGP for Respondents-State : Mr. S. P. Sonpawale
...

CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRADE, JJ.

Dated : June 23, 2025

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally by the consent of parties.

2. The Petitioner has put forth the following prayers :-

B. By issue of writ of certiorari or any other appropriate writ, order or direction in the like nature, impugned communication order dated 2005/2024, issued by the respondent No. 3-the Education Officer (Secondary), Zilla Parishad, Chh. Sambhajinagar (Aurangabad), and decision dated 12/08/2024 taken by the Grievance Redressal Committee and communicated on 17/12/2024, thereby refusing to grant approval to the appointment of the petitioner no. 1 as Peon be quashed and set-aside.

C. By issue of writ of mandamus or any other appropriate writ, order or direction in the like nature, the respondent No. 3-the Education Officer (Secondary), Zilla Parishad, Chh. Sambhajinagar (Aurangabad), may kindly be directed to grant approval to the appointment of the petitioner no. 1 as Peon and release the consequential benefits.

3. The dates and events in this matter can be summarised as under :-

(a) Petitioner No. 1 (hereinafter referred to as 'the employee') was born on 25.08.2004.

- (b) Petitioner No. 2 is the Management.
- (c) The father of the employee who was working as an Assistant Teacher, died on 24.02.2011, while in service.
- (d) The mother of the employee applied for compassionate employment on 07.09.2011. Since she did not possess requisite qualifications. Her request was kept pending.
- (e) On 25.08.2022, the employee became 18 years of age.
- (f) He applied for compassionate appointment on 09.09.2022.
- (g) He once again requested for compassionate employment on 11.09.2023.
- (h) On 30.09.2023, a permanent post of Peon was rendered vacant due to the superannuation of the incumbent Shri. Uddhav Sonwale.
- (i) The employee was appointed as a Peon on 03.10.2023.
- (j) A proposal was forwarded by the Management on 12.12.2023, for seeking approval.
- (k) On 22.12.2023, the Education Officer sought guidance from the Deputy Director of Education.
- (l) The Deputy Director raised queries vide its communication dated 16.03.2024 and directed the Education Officer that approval for compassionate appointment after ten years of the demise of the bread earner, should not be granted.
- (m) On 25.04.2024, the Education Officer raised queries with the School Management.
- (n) The Management informed him on 03.05.2024 that the Petitioner became an adult on 25.08.2022.

- (o) The Petitioner's Writ Petition No. 5834 of 2024 was disposed off as withdrawn with liberty, by order dated 19.06.2024.
- (p) The Petitioner approached the Grievance Redressal Committee on 20.06.2024.
- (q) On 12.08.2024, the Divisional Deputy Director (Education) called upon the Education Officer and the Petitioner to appear for a hearing on 13.08.2024.
- (r) In the Report dated 17.08.2024, the Member Secretary of the impugned Consumer Disputes Committee, opined that the Petitioner became an adult on 09.09.2022 and he filed an application on 11.09.2023, after one year and two days.

4. The learned Advocate for the Petitioner vehemently denies that he became an adult on 09.09.2022. He denies that he was born on 09.09.2004. He claims that he was born on 25.08.2004 and tendered an application on 09.09.2022 within 16 days from the date he became an adult.

5. The Petitioner refers to the communication dated 09.09.2022 wherein he seeks the substitution of his name in place of his mother.

6. In the affidavit-in-reply filed by the Class II Superintendent, a reference is made to a communication dated 14.09.2022, addressed by

the Desk Officer, School Education and Sports Department, Government of Maharashtra, wherein it is stated that the Hon'ble High Court has laid down the law that compassionate appointment should not be granted after ten years. In the instant case, admittedly the petitioner's mother was not eligible. Her application was kept pending. Finally, the Petitioner moved an application after becoming an adult, within 16 days. A post of Peon became vacant on 13.09.2023. On 03.10.2023, he was appointed on the said post. This has happened within 13 months from the date when the employee became an adult. He is in employment for the last more than 19 months.

7. In above circumstances, the case of the Petitioner cannot be faulted. In the affidavit-in-reply, it is stated that since the employee was appointed on compassionate basis on 03.10.2023, 12 years had lapsed and therefore, the approval to his appointment was rejected. If the affidavit filed on behalf of the Education Officer is to be accepted, it would mean that the employee should have been appointed within one year from the demise of his father on 24.02.2011. He was not even 8 years old, when his father died. We wonder as to how the Education Officer can insist that the employee who was appointed immediately after becoming 18 years of age, should have been appointed when he

was not even 8 years old. The only reason for rejecting the proposal for approval of the employee's appointment on compassionate basis is that the approval application is tendered after 12 years of the demise of the father. This is falacious.

8. In view of the above, **this Petition is allowed.** Consequentially, the impugned order dated 20.05.2024 stands quashed and set aside. The communication dated 12.08.2024 loses its efficacy. We direct the Education Officer to grant approval to the compassionate appointment of the Petitioner, within 30 days from today.

9. **Rule is made absolute in the above terms.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

Omkar Joshi