



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 WRIT PETITION NO. 1610 OF 2024

Pratiksha Tushar Deore

VERSUS

The State Of Maharashtra Through The Secretary And Others

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Advocate for Petitioner : Mr. A.V. Hon

AGP for Respondents 1-3 : Mr. P S Patil

Advocate for Respondents no.4, 5 : Mr. P. V. Barde

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CORAM : S. G. CHAPALGAONKAR AND
NEERAJ P. DHOTE, JJ.

Dated : July 04, 2025

ORDER :-

1. The petitioner impugns the order dated 29.11.2023 passed by the respondent no.3-Education Officer, (Secondary), Zilla Parishad, Jalgaon, whereby proposal for approval to appointment of the petitioner has been declined with certain directions.

2. Learned counsel appearing for petitioner submits that husband of petitioner was serving as 'Peon' in a School run by respondent no.4. On 11.10.2022 he committed suicide while in service. Petitioner being qualified to be appointed on the post of 'Shikshan Sevak', she filed a proposal for appointment on compassionate ground with respondent no.4.

Accordingly, respondent no.4 has issued appointment order dated 7.4.2023 and proposal was forwarded for grant of approval to Education Officer/respondent no.3. Respondent no.3 by giving reason that there are earlier waiting candidates seeking appointment on compassionate grounds, directed respondent no.4 to appoint the candidates as per seniority and forward the proposal.

3. Mr. Barde, learned advocate appearing for respondent nos.4 and 5 submits that, there were four claims for compassionate appointment by candidates namely Roshani Ramrao Patil-(Shinde), Smt. Kavita Vijaykumar Chavan, Smt. Nilima Sachin Wabhal and Vivek Suryawanshi apart from petitioner. However, Roshani Ramrao Patil possessed D.Ed. qualification and no post for accommodating her is available on establishment of the respondent. Ms. Kavita Vijaykumar Chavan is receiving family pension and now she is not interested in the appointment. Smt. Nilima Wabhal has already joined a school at Chalisgaon, whereas Vivek Suryawanshi was given appointment, but he resigned, as such, there was no impediment in appointing the petitioner as post

was available suitable to her qualification. Accordingly, appointment order was given.

4. Considering aforesaid submissions, we deem it appropriate to quash and set aside the impugned order dated 29.11.2023 passed by respondent No.3-Education Officer (Secondary), Zilla Parishad and relegate parties back with direction to respondent no.3 to re-consider proposal for grant of approval to appointment of petitioner in light of the aforesaid facts. If required, the Education Officer may grant opportunity of hearing to parties including candidates named above to ascertain viability of their claim for compassionate appointment. Respondent no.3 shall complete the aforesaid procedure within a period of (3) Three months from the date of order and take final decision on the proposal of the petitioner and communicate all concerned accordingly.

5. Writ Petition stands **disposed off** with the aforesaid directions.

(NEERAJ P. DHOTE, J.)
Judge

(S. G. CHAPALGAONKAR)
Judge

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