



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

940 WRIT PETITION NO. 6254 OF 2016

GANGADHAR YELLAPPA PAWAR

VERSUS

**THE CHIEF EXECUTIVE OFFICER (PRIMARY),
ZILLA PARISHAD, NANDED AND OTHERS**

- ...
- Mr. Govind G. Suryawanshi, Advocate for the Petitioner
 - Ms. Yogita S. Thorat, Advocate for Respondent Nos. 1 and 2
- ...

**CORAM : NITIN B. SURYAWANSHI &
VAISHALI PATIL – JADHAV, JJ.**

DATE : NOVEMBER 27, 2025

PER COURT:

1. By this petition, petitioner is seeking directions to accept his application for consideration of his appointment in the place of his father on compassionate ground. He also challenges a letter dated 27.01.2016 issued by Respondent No. 2 – Education Officer (Primary), whereby he is directed to approach the institution where his father was working.

2. Petitioner's father Yellappa Masu Pawar was working as Peon in Respondent No. 4 – School. He expired on 10.04.2011. Petitioner filed application dated 05.08.2011 to Respondent No. 4 – Headmaster along with necessary documents about his qualification, caste, etc. In the year 2015 Respondent Nos. 3 and 4 informed the petitioner that

there is no vacancy in the school and therefore they cannot give him appointment. They suggested him to approach Respondent No. 2 - Education Officer (Primary). Petitioner, therefore, submitted application dated 20.07.2015 to the Education Officer (Primary) as well as the Collector, Nanded. He also filed another application dated 24.07.2015 to Respondent No. 1 - Chief Executive Officer (Primary). By impugned communication dated 27.01.2016, Respondent No. 2 informed the petitioner that petitioner should approach Respondent Nos. 3 and 4 as his father was working in the Respondent No. 4 – School and they have power to give appointment to the petitioner.

3. Petitioner by relying on the guidelines mentioned in Government Resolution dated 31.12.2002 in respect of compassionate appointment working in the private schools contends that the Education Officer (Primary) has to prepare the waiting list of the candidates who have filed applications for compassionate appointment.

4. Approach of Respondent No. 2 – Education Officer (Primary), asking the petitioner to approach Respondent Nos. 3 and 4 is contrary to the clause 6 of the Government Resolution dated 31.12.2002. As per the said Government Resolution it is the duty of the Education Officer to maintain the list of the candidates to be appointed on compassionate ground. Therefore, the impugned communication cannot be sustained.

5. In the result, writ petition is **allowed**. The impugned communication dated 24.07.2015 is hereby quashed and set aside. The Education Officer (Primary) is directed to consider the claim of the petitioner for appointment on compassionate ground by adding the name of the petitioner at the appropriate place and seniority in the waiting list of candidates for the appointments made on compassionate ground.

6. Writ Petition is accordingly **disposed of**.

[VAISHALI PATIL – JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]