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921 wp 6185.25

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

921 WRIT PETITION NO. 6185 OF 2025

**BHARAT SEVA SANGH PACHEGAON
THROUGH ITS SECRETARY AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER**

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Advocate for the Petitioner : Mr. R.N. Patil & Yash A. Jadhav
GP for Respondents/State : Mr. A.B. Girase

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**CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.**

DATE : 8th July, 2025

PC. :-

1. Heard learned counsel for the Petitioners.
2. The learned AGP appears for both the Respondents.
3. The Petitioner No.1 is the Management running the school where the Petitioner No.2 was appointed on compassionate grounds as his father was working as a Headmaster in the school run by the Petitioner No.1.
4. The Petitioners are aggrieved by the impugned order dated 08.01.2025 passed by the Respondent No.2-Education Officer, whereby a

proposal for approving the appointment of Petitioner No.2 as 'Assistant Teacher' on compassionate grounds has been rejected.

5. Although the learned counsel for the Petitioners rely upon the Government Resolution dated 31.12.2002 to contend that the conditions specified therein were satisfied, we are of the opinion that in the facts of the present case no error can be attributed to the impugned order passed by the Respondent No.2-Education Officer.

6. The scheme of the compassionate appointment under the aforementioned Government Resolution shows that if an employee is constrained to take pre-mature retirement on the ground of having suffered serious illness like Tuberculosis, Cancer etc. before attaining the age of 57 years and after obtaining a medical certificate issued by the competent Medical Officer about suffering from such ailments, pre-mature voluntary retirement can be applied for. If the employee is constrained to take such pre-mature voluntary retirement, the case for granting appointment on compassionate basis to a dependent can be considered.

7. In the present case, the admitted position of facts is that the father of the Petitioner No.2 took voluntary retirement on 28.04.2014. There is nothing to show that he took such pre-mature retirement upon

obtaining a proper disability certificate from a competent Medical Officer in terms of the said Government Resolution dated 31.12.2002. The medical certificate, upon which the Petitioners rely, shows that the same was issued on 11.02.2015, which was much after the father of the Petitioner No.2 had already taken retirement.

8. Therefore, the conditions specified in the Government Resolution were not satisfied. It also a matter of record that at the point in time when the father of the Petitioner No.2 took retirement, the Petitioner No.2 was not even qualified for appointment. It was only in the year 2016 that the Petitioner No.2 was initially appointed as 'Shikshan Sevak' with the school run by the Petitioner No.1-Management.

9. It is in these circumstances that the Petitioners moved the aforesaid proposal for approval to the appointment of the Petitioner No.2 on compassionate grounds. We find that the Respondent No.2-Education Officer properly appreciated the facts on record and after applying the aforesaid Government Resolution dated 31.12.2002, correctly concluded that approval could not be granted in the facts and circumstances of the present case.

10. The Petitioner has failed to make out a case for exercising Writ jurisdiction. Hence, the Writ Petition is dismissed. Pending applications, if any, also stand disposed of.

[Y.G. KHOBRADE, J.]

[MANISH PITALE, J.]