

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.16424 OF 2024**

Kashiling Uttam WaghmodePetitioner
versus
The State Of Maharashtra & Ors.Respondents

Mr. Satyajeet Rajeshirke, Advocate for the Petitioner.

Mr. Shubham R. Vasekar, Advocate for the Respondent Nos.4 and 5.

Mr. S.B. Kalel, AGP for Respondent Nos.1, 2 and 3.

**CORAM : M. S. KARNIK &
&
ASHWIN D. BHOBE, JJ.**

DATE : 21st MARCH , 2025

P.C. :-

1. Heard Mr. Satyajeet Rajeshirke, learned Counsel appearing for the Petitioner. This Petition seeks a direction to the Respondents to consider the proposal dated 18th September, 2023 for appointment of G.P. on compassionate ground on the post of Peon on account of the sudden demise of his father on 17th April, 2021. By the order dated 26th March, 2023, the proposal submitted by the Management was not considered for the approval as the change reports were pending before Assistant Charity Commissioner.

2. Learned AGP submitted that as the change reports are pending, the proposal cannot be considered. He submits that as and when the change reports are placed, the proposal will be considered. Learned Counsel appearing for the Management submitted that they are supporting the Petition and that proposal was in fact, forwarded for appointment of the Petitioner on compassionate ground.

3. There is no dispute that the Petitioner applied for appointment on compassionate basis on the post of Peon in place of his father. This is not a case of fresh appointment where some dispute between two groups has an impact on an order of appointment. Admittedly, the application was made for appointment of the Petitioner on the compassionate basis. The Petitioner was issued with an order of appointment by the Management with effect from 1st January, 2022. Therefore, in our view, any decision on the change reports is hardly going to make any difference. There is no dispute that the Petitioner was entitled to be appointed on compassionate basis in place of his deceased father. In such circumstances, keeping the proposal pending on this ground is unjustified.

4. According to us, this is a fit case where the Respondent

No.3 ought to have granted approval to the appointment of the Petitioner on compassionate ground on the post of Peon in the Respondent No.5-School.

5. **The Petition is allowed** in terms of prayer clause [a], [b] and [c], which read thus:

“a] By a suitable Writ, Order or Direction, this Hon'ble Court may be pleased to. Call for the record and proceedings in respect of order dated 23/06/23 issued by Respondent no 3 thereby rejecting proposal of the appointment of the petitioner on the post of the Peon

b) That this Hon Court may after considering legality, validity and propriety of the order dated 23/6/2023 issued by respondent three, thereby rejecting proposal of appointment of the petitioner as a Peon be pleased to question and set aside the same.

c) That this Hon Court may be pleased to direct the Respondent No 3 to grant approval to said proposal dated 18/9/2023 of the appointment of the Petitioner on compassionate ground on the post of Peon in the Respondent No. 5 School and further be pleased to direct the Respondent No. 3 to sanction Shalarth ID to the Petitioner and disburse the salary of the Petitioner along with arrears.”

6. The impugned order is set aside. No costs.

(ASHWIN D. BHOBE, J.)

(M. S. KARNIK, J.)