

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5583 OF 2025

Shubham Dhanaji Chavan

... Petitioner

Versus

Education Officer (Secondary),
ZP, Sangli and Ors.

... Respondents

.....

Mr. S.B. Deshmukh a/w Rushikesh Barge, i/b Vinod Shejwal for the
Petitioner.

Mr. V.M. Mali, AGP for the Respondent - State.

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**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : November 26, 2025.

ORAL ORDER :- (Per M.S. Karnik, J)

1. Heard learned counsel for the petitioner and the learned AGP for
the respondent – State.

2. The petitioner is seeking directions to the respondent No.1 –
Education Officer (Secondary) to decide the proposal of the petitioner
for appointment on compassionate ground, which was rejected by the
order dated 1st April 2024 passed by the respondent No.1 on the

ground that there is dispute between the two groups of the management. The petitioner's father expired on 12th May 2020 while he was in service on the post of 'Naik' (Peon) in the respondent no.3 School. Pursuant to an application made, the Managing Committee of the respondent No.4 appointed the petitioner on the post of 'Junior Clerk' on 5th May 2022. The petitioner joined the post of Junior Clerk on 16th May 2022. The proposal was sent by the respondent No.3 to respondent No.1 on 27th May 2022 for approval of appointment of the petitioner on compassionate ground for the post of Junior Clerk.

3. We have heard learned AGP for the respondent, who supported the impugned order. The impugned order dated 1st April 2024 was passed rejecting the proposal on the ground that there were disputes between the two groups of the management. The relevant part of the order reads thus :-

"ORDER

The change report filed by two groups pertaining to the trust are subjudice before this authority for adjudication. Hence, this authority unable to comment which executive council and office bearers are legal and valid. Thus this order. The applicant is at liberty to get certified copies or subjudice change reports by filing application as per law. Inform the concern accordingly."

4. In our opinion, the impugned order deserves to be quashed and set aside. There are disputes between two groups of the Management.

This is hardly of any consequence so far the claim of the petitioner to be appointed on compassionate ground is concerned. There is no dispute that the petitioner's father expired on 12th May 2020 while he was in service. It is in place of his father that a request was made by the petitioner for appointment. The Managing Committee, therefore, passed a resolution, appointing the petitioner on the post of Junior Clerk. This being a compassionate appointment, merely because there are some disputes between the two managing groups, the Education Officer could not have rejected the proposal on the ground mentioned in the impugned order. In any case, none of the group raised any objection to the petitioner's proposal.

5. The impugned order 1st April 2024 is, therefore, quashed and set aside. The proposal for approval of the appointment of the petitioner on compassionate basis, which is subject matter of the petition, be considered on its merits and in accordance with law within a period of 10 weeks from the date of communication of this order. If there are deficiencies in the proposal the same be communicated to the Management and the Management to cure the deficiencies within 2 weeks thereafter.

6. In the meantime, the respondent No.3 to permit the petitioner to sign the muster.

7. The Writ Petition stands disposed of.

[Ajit B. Kadethankar, J.]

[M. S. Karnik]