

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 18539 OF 2024

Rajaram Maruti GondhaliPetitioner
versus
The State of Maharashtra & Ors.Respondents

Mr. Utkarsh Desai, Advocate for the Petitioner.

Ms. P.B. Chavan, AGP for the Respondent – State.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 10th FEBRUARY, 2025

P.C. :-

1. This is yet one more case in a long series of such cases, wherein the Education Officer Secondary has declined to grant approval to the compassionate appointment of the Petitioner, after his father expired on 24th January, 2019. The proposal is rejected for the reason that there seems to be a dispute in the management. The said dispute is being dealt with by the Office of the Charity Commissioner under the provisions of the Maharashtra Public Trust Act, 1950.

2. The impugned order in this Petition is passed by the same Dr. Eknath Ambokar, Education Officer, Secondary Zilla Parishad, Kolhapur. In the following matters, on the same grounds, we have quashed his orders:-

Sr. No.	Case No.	Name of the Education Officer	Cost Imposed	Date of Order
1.	W.P. No. 10319/2024	Mr. Eknath Ambokar, E.O. Kolhapur.	Rs.2,500/-	03.02.2025
2.	W.P. No. 15409/2024	Mr. Eknath Ambokar, E.O. Kolhapur.	Rs.500/-	03.02.2025
3.	W.P. No. 9357/2022	Mr. Eknath Ambokar, E.O. Kolhapur.	Rs.25,000/- -	18.12.2024

3. Insofar as the costs are concerned, the same Deputy Director of Education has earlier suffered imposition of costs as seen from the above chart.

4. The Present case is glaring. It is apparently a copy-paste order. The last sentence in the first paragraph is “सदर प्रस्तावामध्ये खालीलप्रमाणे त्रुटी आढळून येतात.” However, there is not a single deficiency disclosed in the order, though he says that ‘*the deficiencies are narrated as follows*’. The first paragraph is followed by a single sentence second paragraph saying that because there is a

dispute in the management, the approval to the compassionate appointment of the Petitioner cannot be granted. This is not deficiency. This issue is squarely covered by the view taken by this Court in ***Yogita Shivsing Nikam vs. State of Maharashtra and others***, 2022 (2) Mh.L.J. 370.

5. The learned Advocate for the Petitioner is right in contending that the plight of the compassionate appointee may be visualized by this Court. Firstly, his father met with an untimely death while in service. Because the widow could not be appointed, the Petitioner was appointed as Peon on 1st June, 2019. Secondly, for more than 5 years, approval is refused and despite this Court having passed several orders which are known to all Education Officers, Respondent No.5 does not even refer to the orders and has not taken any lesson out of such orders. He, therefore, prays for heavy costs and further submits that the same may be donated for a public cause.

6. Considering the above and keeping in view that we have repeatedly passed orders against the same Education Officer (name mentioned herein above), that we are imposing cost of **Rs. 10,000/-**. The said amount be deposited from the salary bank

account of Respondent No.5, in this Court, within 30 days. By the consent of the Petitioner, the said amount be donated to the following institution by R.T.G.S. transfer. The details of the account are as follows :

In Defense of Animals

Account No. : 04060100019102

Bank : Bank of Baroda

Branch : Chandavarkar Road, Matunga

IFSC Code : BARB0CHANDA ('0' is a digit not alphabet)

7. In view of the above, **this Writ Petition is allowed.**

The impugned order is quashed and set aside. We direct Respondent No.5 to grant approval to the compassionate appointment of the Petitioner within a period of 21 days from today. Cost amount be deposited within 30 days from today. Registry to transfer the amount to the said account.

8. Considering the above order, the management shall initiate the process for seeking Shalarth I.D. for the Petitioner within 15 days from the date of grant of approval. Thereafter, the Competent Authority (Respondent No.4) would pass an order within

15 days and grant the Shalarth I.D. to the Petitioner. Bills for arrears of salary shall be tendered by the management within 15 days from the date of the grant of Shalarth ID and the said amount shall be sanctioned by the Competent Authority within a period of 30 days.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)