

teaching and non-teaching staff working in Ashram Shala/ residential school/Vidyaniketan and Ashramshala for the children of sugarcane cutters.

4. Petitioner contends that his father viz: Abhimanyu @ Abhiman Ishwar Bhalekar who was serving as “Assistant Teacher (Primary)” at Respondent No.4 – School run by Respondent No.3 expired due to heart attack on 26th September, 2018. The Petitioner would further submit that pursuant to the death of his father, he has moved to the Respondents No.3 and 4 seeking an appointment on compassionate ground.

5. It seems that on 28th August, 2019, the Respondent No.4 – School has forwarded the application filed by the Petitioner to the Respondent No.2 – Assistant Commissioner of Social Justice Department, Solapur and has requested to consider the application filed by the Petitioner.

6. Ms. Musale, learned Counsel for the Petitioner would submit that no action has been taken by the Respondent No.2 on the proposal submitted by the Respondent No.4 – School Management in respect of compassionate appointment to be given to the Petitioner. Hence, the Petitioner is constrained to file the present Petition under Article 226 of the Constitution of India seeking directions to the Respondent No.2 to consider the application filed by the Petitioner as is submitted by Respondents No.3 and 4.

7. Learned Assistant Government Pleader Mr. Mali won't dispute that the claim was filed by the Petitioner with the Respondent No.2. It seems from the record placed before us, that the Respondent No.2 has neither decided Petitioner's application nor has even processed the said application. Failure on the part of the Respondent No.2 has brought the Petitioner before this Court vide present Writ Petition.

8. In view of the facts narrated by the Petitioner, we feel it proper to dispose of this Writ Petition by issuing directions to the Respondent No.2.

9. We have no hesitation to issue directions to the Respondent No.2 to consider the application filed by the Petitioner for grant of appointment to the Petitioner on compassionate ground *qua* the educational qualification of the Petitioner and the Rules framed by the State Government in respect of grant of appointment on compassionate ground.

10. We make it clear that we have not expressed any opinion on merits of Petitioner's application and his entitlement.

11. In view of this, we pass the following order;

- (a) Writ Petition stands allowed.
- (b) The Respondent No.2 shall consider on its own merits
'Petitioner's application for compassionate appointment pursuant

to death of his father – Abhimanyu @ Abhiman Ishwar Bhalekar in respondent No.4 – School which is run by Respondent No.3.

(c) Let this exercise be done by the Respondent No.2 within eight weeks from the date of receipt of this order.

(d) In the meantime, Respondent No.2 if required, may call upon the Petitioner as also the Respondents No.3 and 4 to clear the deficiencies, if any. In any event, the Respondent No.2 shall give every opportunity of hearing to the Petitioner to enable the Petitioner to satisfy his claim. The Respondents No.3 and 4 shall co-ordinate wherever necessary.

12. With these directions, the Writ Petition stands disposed of. No Cost.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]