

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 60 OF 2025

Shri Dattatray Shashidhar Kamble	]	
Age 26 Years, Occ. Nil,	]	
Residing at Village : Dafalapur,	]	
Taluka : Jat, Dist. : Sangli – 416 402.	]	... Petitioner

Versus

1.	The State of Maharashtra	]	
	Through The Department of	]	
	Education (Secondary) having	]	
	It's office at Mantralaya, Mumbai – 32	]	
2.	The Education Officer (Secondary)	]	
	having its office at Zilla Parishad,	]	
	Vishrambag, Sangli	]	
3.	The Zilla Parishad Sangli	]	
	Through its Chief Executive Officer	]	
	having office at Vishrambag, Sangli	]	
4.	The Mahalingeshwar Shikshan Sanstha	]	
	Jirgyal, Tal.: Jat, Dist.: Sangli	]	
	Through its Secretary	]	
5.	New English School Jirgyal	]	
	Tal. : Jat, Dist. : Sangli	]	
	Through its Headmaster	]	... Respondents

Mr. Prajakt M. Arjunwadkar for the Petitioner.
Mr. S.B. Kalel, A.G.P. for the Respondent-State.

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

Date : 10th December 2025.

JUDGMENT (Per : Ajit B. Kadethankar, J.)

1. Rule. Rule made returnable forthwith. Considering the facts of the case, the matter is heard finally.
2. Parties are referred to their factual status for the sake of convenience.
3. **Subject-matter:** Petitioner seeks implementation of the directions issued by the Education Officer (Secondary), Zill Parishad Sangli to the Respondent-School Management directing to engage/appoint the Petitioner on Compassionate ground on the post of Junior Clerk.
4. It is not in dispute that Petitioner's father namely Shri Shashidhar Kamble was working with the Respondent-School on the post of 'Junior Clerk' (hereinafter referred as the 'subject matter post') w.e.f. 19th June 2006. His appointment also received approval from the Education Officer vide order dtd. 15th February 2007.

5. While Petitioner's father namely Shri Shashidhar Kamble was on duty, he died on 7th January 2017. The subject-matter post of Junior Clerk turned vacant. Hence, the Petitioner who was in dire need of a job, applied a number of times to the School management and the Education Officer.

6. Consequent to Petitioner's applications, the Education Officer on 15th March 2021 addressed a letter to the School Head Master thereby to look into the applications filed by the Petitioner for the purpose of appointing him on compassionate ground.

7. Again vide letter dated 3rd August 2021, the Education Officer wrote to the School Management that for the purpose of appointing the Petitioner on compassionate ground, it was within the realm of the School Management as per Government Resolution dated 7th March 2019 to appoint the Petitioner on compassionate ground. Vide the same letter, the Education Officer directed the School Management to immediately appoint the Petitioner on compassionate ground on the subject-matter vacant post and file compliance report.

8. Despite directions issued by the Education Officer, the School Management did not act upon it. Hence, the Petitioner again rushed to the Education Officer. On 20th December 2021 the Education Officer reprimanded the School Management that the subject-matter post was laying vacant in the school, the Petitioner be immediately

appointed on the said post and a proposal be immediately submitted for seeking approval to Petitioner's appointment.

9. It seems that the school management still did not pay any heed to the directions issued by the Education Officer. Hence, the Education Officer again on 18th October 2022 directed the School Management to appoint the Petitioner on the subject-matter post.

10. Mr. Arjunwadkar, Learned Counsel for the Petitioner was at pains to submit that the tenacious approach of the School Management even to discard the directions issued by the Competent Authority i.e. the Education Officer constrained the Petitioner to knock the doors of this court inviting its indulgence. He would submit that it has become necessary to issue appropriate directions to the School Management to employ the Petitioner on compassionate ground immediately.

11. Mr. Arjunwadkar, Learned Counsel for the Petitioner as also Mr. S.B. Kalel, Learned Asst. Government Pleader would submit that Court notices to the School and the School Management are already served. Mr. Arjundwadkar submitted that even private notices were also issued by the Petitioner to the School Management and an Affidavit to that effect is also filed. However, there is no appearance on behalf of the School Management and the School.

We are constrained to hold that the Respondents Nos. 4 and 5 are neither interested to obey the directions of the Education Officer nor interested to participate present proceedings.

Hence, we proceed to deal with the matter on its own merit with the material available before us.

12. This Court would be ordinarily absolutely loath to issue directions to the private parties unless directions are also issued to a Government/Semi-Government body. However, in the case in hand the School Management which receives grant-in-aid from the Government and the Zill Parishad, seems to be sitting over even those Authorities.

13. With the able assistance of the Learned Counsel for the Petitioner and the Learned Asst. Government Pleader, we have gone through the documents on record. It appears that only after considering that the subject-matter post of Junior Clerk is laying vacant and that the Petitioner is otherwise qualified to be appointed on the subject-matter post, the Education Officer has issued the directions to the School Management to immediately appoint the Petitioner on the subject-matter post and to forward proposal for approval.

14. We deprecate the practice and approach of the Respondent - School Management to give 'nelson's eye' to the strict and repeated directions issued by the Education Officer for appointing the Petitioner on compassionate ground. In the sense, the School

Management has frustrated the very object of the benevolent scheme of making compassionate appointment in the appropriate case. It is also not the case that the School Management raised any query or pointed out any legitimate issue in appointing the Petitioner on the post. As such, we are constrained to exercise the power under extra ordinary jurisdiction to allow the Writ Petition and to issue directions to the Respondent - School Management.

15. Hence, we pass following order:-

- (A) The Writ Petition is allowed.
- (B) Within four weeks from the receipt of this Order's copy, the Respondent No.4 i.e. the School Management shall appoint the Petitioner on the subject-matter post of Junior Clerk in the Respondent No. 5-School.
- (C) Upon issuing appointment order in the name of the Petitioner in above terms, the Respondents Nos. 4 and 5 shall allow the Petitioner to join the services and shall submit a proposal within 4 weeks thereafter to the Education Officer (Secondary), Zill Parishad Sangli for approval to Petitioner's appointment.
- (D) Matter be placed on board on 12th January 2026, under the caption 'For compliance of order'.
- (E) Writ Petition stands disposed of.
- (F) Rule made absolute in above terms.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]