



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.7497/2017

Smt. Chhaya wd/o Maheshlal Bramhavanshi Vs. State of Maharashtra and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr.S.U.Ambagade, Advocate for petitioner
Mrs.S.S.Jachak, Addl. G.P. for respondent nos.1 to 3.

CORAM : NITIN W. SAMBRE & MRS. VRUSHALI V. JOSHI, JJ.
DATE : APRIL 1, 2025.

1. Heard.
2. Maheshlal, the husband of the petitioner was appointed on 1st August, 1992 as a Senior Primary Teacher with the respondent-Management, who expired due to cardiac arrest on 12th December, 2013 i.e. after putting in more than 20 years of service.
3. Subsequent thereto an application for grant of compassionate appointment came to be moved by the petitioner on 11th February, 2017.
4. It appears that such claim of the petitioner was supported by her mother-in-law despite of which the respondent-Management has refused to grant her the benefit of compassionate appointment though the petitioner was entitled to the same.
5. Since after hearing the petition, this Court was inclined to allow the petition, the counsel appearing for the respondent-Management has placed on record an affidavit thereby stating that as on date of disposal there is no vacancy and the post of 'Clerk' is likely to be vacant by November 2025 against which the petitioner can be appointed on compassionate ground. The said statement is made by the Headmaster on an affidavit, which is accepted as an undertaking to this Court. The aforesaid affidavit by the Headmaster is based on the Resolution of the Management dated 26th March, 2025 thereby

resolving the issue of grant of compassionate appointment to the petitioner on the post of `Clerk' with effect from 1st December, 2025.

6. In view of the Resolution passed by the respondent-Management dated 26th March, 2025 referred above, which is also taken on record, vide Pursis dated 1st April, 2025 duly signed by the counsel for the respondent nos.4 and 5 and in view of the affidavit of the respondent no.4, we deem it appropriate to accept the said statement as an undertaking to this Court.

7. In view of the aforesaid position, the counsel for the petitioner submits that the grievance of the petitioner is redressed.

8. As a sequel of above, the respondents must issue the appointment order to the petitioner so that she is able to join from 1st December, 2025 with the respondent-Management. Within a period of one week thereafter, the respondent-Management shall submit a proposal for grant of approval to the appointment of the petitioner viz. the respondent-department and it shall process the same in accordance with the law within a period of four weeks thereafter.

9. The petition accordingly stands disposed of. No costs.

(MRS.VRUSHALI V. JOSHI, J.) (NITIN W.SAMBRE, J.)