



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

WRIT PETITION NO. 5274 OF 2017

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| 1. Sanjay Bapurao Dhanokar
Aged about 47 years, Occupation-Service,
R/o. Chincholi (Bk.), Tq. Anjangaon (Surji),
District Amravati. | .. PETITIONERS |
| 2. Tukaram Zipra Bonde,
Aged about 48 years, Occupation-Service,
R/o. Bonde Plot, Satyadev Furniture Line,
Gadge Nagar, Amravati.
Taluka and District Amravati. | |

VERSUS

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| 1. The State of Maharashtra,
through its Secretary, School Education
Department, Mantralaya, Mumbai-32. | ..RESPONDENTS |
| 2. The Deputy Director of Education,
Amravati Division, Amravati.
Tq. And District Amravati. | |
| 3. The Education Officer (Secondary),
Zilla Parishad, Amravati,
District Amravati. | |
| 4. Shri Shivaji Education Society,
Through its Secretary,
Shivaji Nagar, Amravati,
Tq. And District Amravati. | |

Mr. V. A. Kothale, Advocate for petitioners.
Ms Tajwar Khan, Assistant Government Pleader for respondent nos. 1 to 3.
Mr. Abhay Sambre, Advocate for respondent no.4.

CORAM :- ANIL S. KILOR and MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 14th AUGUST, 2025

ORAL JUDGMENT (PER ANIL S KILOR, J.)

In the present petition, the petitioners have raised a grievance as regards cancellation of their appointments made on compassionate

grounds. The Deputy Director of Education, Amravati Division, Amravati, cancelled the appointments vide order dated 01.07.2017 on the ground that, at the time of appointments of the petitioners, their age was more than 40 years. Thus, the appointment were contrary to the Government Resolution dated 22.08.2005.

2. Mr. Kothale, learned counsel for the petitioners pointed out that the Government Resolution dated 22.08.2005 was subsequently superseded and the age was increased from 40 to 45 years.

3. It is pointed out that the appointments of the petitioners were made in the year 2012 with the permission of the Education Officer (Secondary), Zilla Parishad, Amravati and at the time of issuing appointment orders to the petitioners on compassionate grounds, the Government Resolution dated 06.12.2010 was in force, which superseded the earlier Government Resolution dated 22.08.2005, on which reliance has been placed by the respondent Deputy Director of Education, while cancelling the appointments of the petitioners.

4. As per Government Resolution dated 06.12.2010 the age limit for appointments on compassionate ground was increased to 45 years, the order passed by the Deputy Director of Education, Amravati Division, Amravati, is illegal and bad in law.

5. On the other hand, Ms Khan, learned Assistant Government Pleader, appearing for the respondents-State, opposed the petition and submits that

the Deputy Director of Education rightly cancelled the appointments of the petitioners, as the petitioners were more than 40 years of age at the time of their appointments. She further submits that the Government Resolution dated 06.12.2010 on which the petitioners are relying, is not applicable to the petitioners. Accordingly, she prays for dismissal of the petition.

Mr. Sambre, learned counsel appearing for the respondent no. 4 supports the petition and submits that on the date of appointment of the petitioners, the maximum age limit for appointment on compassionate ground was 45 years. As such, there is no error committed in appointing the petitioners.

6. Having heard the learned counsel for the parties and perused the record, it is evident that the Deputy Director of Education while cancelling the appointments of the petitioners, has placed reliance on the Government Resolution dated 22.08.2005.

7. It is further apparent on the face of the record that the appointments of the petitioners on compassionate ground were made in the year 2012 and that the Government Resolution dated 22.08.2005 was superseded by the Government Resolution dated 06.12.2010. This Government Resolution was in force on the date of appointments of the petitioners.

8. The Government Resolution dated 06.12.2010 prescribes the maximum age limit of 45 years for appointment on compassionate ground.

9. There is no dispute that the School where the appointments of the petitioners were made is grant-in-aid school. There is no dispute about the policy of the government for appointments on compassionate ground is applicable to the aided schools. Therefore, we have no hesitation to hold that the Government Resolution dated 06.12.2010 is applicable to the petitioners.

10. As such, the reasons recorded by the Deputy Director of Education while cancelling the appointments of the petitioners are erroneous and not sustainable in the eyes of law.

11. Accordingly, we pass the following order:

- (i) The writ petition is allowed.
- (ii) The impugned order dated 01.07.2017 passed by the Deputy Director of Education, Amravati Division, Amravati, is hereby quashed and set aside.

12. Rule is made absolute. There shall be no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)

Andurkar: