



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1457 OF 2026

Rutuja Diliprao Shinde

VERSUS

The State Of Maharashtra And Others

...

Mr. G. L. Awale, Advocate for the Petitioner

Ms. N. B. Kamble, AGP for Respondent-State

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CORAM : SMT. VIBHA KANKANWADI &
NEERAJ P. DHOTE, JJ.

DATED : 15TH APRIL, 2026

ORDER :-

. Learned Advocate for the petitioner produced affidavit of the petitioner. Alongwith the affidavit, he has filed copy of the order issued by the Education Officer (Secondary) Zilla Parishad, Latur dated 06.04.2026, whereby approval to the petitioner's appointment has been granted.

2. Upon perusal of the said order, what we could find is that the petitioner's appointment on the compassionate ground has been approved. It is stated that she came to be appointed on 04.08.2025; however, in the remarks column, it is stated that the approval is for three years on honorarium basis from 01.02.2026. In the note, it has been stated that since as per the *Sanch Manyata*, one post is now

available from 01.02.2026 and therefore, her appointment has been approved.

3. We are not mainly on the point of the date because when the post is available, only then the approval can be granted and even the learned Advocate for the petitioner admits that the post became available from 01.02.2026. However, the problem is in respect of appointment on honorarium basis for three years. When the respondent no.3 is accepting the appointment of the petitioner on the basis of compassionate ground, then the respondent no.3 ought to have considered the said appointment on the clear vacant post and therefore, there could not have been three years probation period for the petitioner.

4. In *Salman Chaush Vs. State of Maharashtra School Education and Sports Department, Through it's Secretary and Others*, [2024 SCC OnLine Bom 4701], this Court, (Coram: Vibha Kankanwadi, J and S. G. Chapalgaonkar, JJ) after considering the various judgments specifically *V. Shivmurti Vs. State of A.P.* [(2008) 13 SCC 730], *Bhavani Prasad Sonkar Vs. Union of India* [(2011) 4 SCC 209], *Sanjai Kumar Vs. Deputy Director General (NCE), Directorate, U.K., Lucknow* [(2002) 3 UPLBEC 2748] and others, took note of the fact

that the appointment on the compassionate ground is always permanent in nature and therefore, the petitioner who came to be appointed on compassionate ground is in common parlance against the post that was held by the father/mother on permanent basis. Therefore, he cannot be considered on probation. Under such circumstances, in this case also, the petitioner's appointment should have been considered from 01.02.2026 under the pay scale only.

5. Learned AGP accepts this legal position and submits after instructions from respondent no.3 that the respondent no.3 would carry out the necessary changes in the order dated 06.04.2026 and issue a fresh order.

6. In view of the statement, we **dispose of** the Writ Petition by directing the respondent no.3 to issue fresh order taking into consideration the observations above said and also taking view of the decision in *Salman Chaush (Supra)* within a period of 15 days from today.

[NEERAJ P. DHOTE, J]

[SMT. VIBHA KANKANWADI, J.]