



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902-2 WRIT PETITION NO. 8725 OF 2011

**AJAY BHAUSAHEB MOHITE
VERSUS
THE STATE OF MAHARASHTRA AND ORS
WITH
CIVIL APPLICATION NO. 11741 OF 2017
IN WP/8725/2011**

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Mr C. K. Shinde, Advocate for Petitioner
Ms R. P. Gour, AGP for Respondent Nos.1 to 3/State
Mr S. K. Shinde, Advocate for Respondent Nos.4 & 5

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**CORAM : KISHORE C. SANT
AND
SUSHIL M. GHODESWAR, JJ.**

DATE : 6th MARCH 2026

PER COURT :-

1. At the outset, learned Advocate for the petitioner submits that, he is not pressing prayer clause 'B' at this stage, as his service is already approved and he is having no objection to the said Rules. Only grievance is that he was appointed on the compassionate ground with respondent Nos.4 and 5 in the year 2007. He was not made permanent and no approval was granted. His service came to be approved later on vide order dated 24/12/2013. The said approval is however granted from 15/06/2010 on the basis of proposal sent by the

(2)

Education Officer. It is case of the petitioner that, while forwarding the proposal for approval, learned Education Officer wrongly treated petitioner's appointment on the post of 'Shikshan Sevak', which was made applicable in the year 2005 vide the Government Resolution dated 25/11/2005 even for non-teaching staff. The case is, therefore, that while submitting the proposal, the same should have been submitted for approval of the services on 'regular basis' instead of for the post of 'Shikshan Sevak'. The grievance is, therefore, about a period from 2007 till 2010.

2. Learned AGP, however, seeks some time to address this Court on this issue. She submits that, even if the petitioner was appointed on compassionate ground, his appointment is to be made like any other appointment, except that the appointment is given on the 5% reserved posts.

3. At the request of learned AGP, stand over to 23/03/2026.

[SUSHIL M. GHODESWAR, J.]

[KISHORE C. SANT, J.]

sjk