

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

Writ Petition No. 554 of 2015

Shashikant Kamlaji Mhaske,
Age : 44 years,
Occupation : Service,
R/o. Grampanchayat, Visapur,
Taluka : Shrigonda,
District : Ahmednagar.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Secretary,
Department of General Administration,
Mantralaya, Mumbai - 32.
2. The State of Maharashtra,
Through Secretary,
Village Development and Water
Supply Department,
Mantralaya, Mumbai.
3. The Chief Executive Officer,
Zilla Parishad, Ahmednagar,
District : Ahmednagar.

.. Respondents.

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Mr. A.K. Gawali, Advocate, for the petitioner.

*Mrs. S.D. Tambat (Dhumal), Assistant Government Pleader,
for respondent nos.1 and 2.*

Mr. S.T. Shelke, Advocate, for respondent no.3.

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 29TH SEPTEMBER 2015

ORAL ORDER (Per S.S. Shinde, J.) :

1. Heard learned Counsel for respective parties.
2. The learned Counsel appearing for the petitioner invited our attention to the contents of the letter dated 2nd May 2013, written by the Deputy Commissioner (Establishment), Office of Divisional Commissioner, Nashik, and submits that though the said letter is written to the Secretary to the Government of Maharashtra, Rural Development and Water Conservation Department, Mantralaya, Mumbai, more than two years back, Secretary of the said Department has not taken decision or informed the office of the Divisional Commissioner, Nashik, about grievance of the petitioner, that the respondent no.3 - Zilla Parishad should follow 3 % reservation in 10 % posts which are reserved for absorption of employees from Grampanchayat.
3. The learned Counsel appearing for respondent no.3 - Zilla Parishad also invited our attention to the letters which are written by the Chief Executive Officer, Zilla Parishad, Ahmednagar, to the Secretary to the Government of Maharashtra, Rural Development and Water Conservation Department, Mantralaya, Mumbai, on 17th April 2013, and also to the Minister of the said Department on 28th October 2013, seeking guidance, so as to consider 3 % reservation for employees of the Grampanchayat who are covered under 10 % posts which are reserved for absorption in Zilla Parishad.

4. Upon hearing learned Counsel for the petitioner, learned Assistant Government Pleader for respondent nos.1 and 2 - State, and the learned Counsel appearing for respondent no.3 - Zilla Parishad, we cannot countenance the inaction on the part of the Secretary of the concerned Department for more than two years.

5. We direct the Secretary to the Government of Maharashtra, Rural Development & Water Conservation Department, Mantralaya, Mumbai, to take final decision, as expeditiously as possible, however, within ten weeks from today, about the afore mentioned issue and communicate the same to the petitioner and also to respondent no.3 - Zilla Parishad, Ahmednagar. Needless to observe, that the concerned Secretary shall keep in view the provisions of Sections 2 and 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. It is also needless to observe, that the entitlement of the petitioner should be considered from the date of recommendation i.e. 23rd April 2013 and respondents shall not raise the technicality of crossing age of 45 years by the petitioner.

6. The petition stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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