

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

WRIT PETITION NO.11861 OF 2015

Jaya alias Jijabai d/o Zotingrao
Suryawanshi, age: 47 years,
Occup: Service (at present nil),
r/o. Pornima Nagar, Nanded,
Tq. and Dist. Nanded.

PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Social Welfare, Cultural Affairs
and Sports Department,
Mantralaya, Mumbai-32.
2. The Commissioner for
Welfare of Handicapped,
Maharashtra State,
3, Church Road,
Pune-411 001.
3. The Director of Social Welfare,
Maharashtra State,
Pune-1.
4. The Social Welfare Officer Group-A,
Zilla Parishad, Nanded
5. The Social Welfare Officer Group-A,
Zilla Parishad, Parbhani
6. Deep Shikshan Sanstha,
Nanded, through its President
Shri Narayan Deorao Pawar,
r/o: Vazirabad, Nanded,
Tq. and Dist. : Nanded.

7. Vishwakarma Residential School
for Handicapped, Jintur, Tq.Jintur,
Dist. Parbhani
Through its Head Master. **RESPONDENTS**

...
Mr.P.G. Gunale and Mr. D.S.Kudle, Advocates
for the petitioner
Mrs.M.A.Deshpande, AGP for respondent –
State.
Respondent Nos.4, 5 and 7 served.

...
**CORAM: S.S.SHINDE &
SANGITRAO S.PATIL, JJ.**

Reserved on : 02.08.2016
Pronounced on : 05.08.2016

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

1. Heard.
2. This Petition takes exception to the
impugned letter / order dated 28.07.2015
passed by respondent no. 2 to the Chief
Executive Officer, Zilla Parishad, Nanded
and further seeks directions to respondent
nos.1 to 5 to absorb the petitioner on the
post of Cook in respondent no.7 School or
alternatively, they may be directed to absorb
the petitioner in any other recognized
school.

3. It is not necessary to advert in detailed to the facts of the case, suffice it to say that all the factual aspects stated in this Petition are almost similar to the facts pleaded by the petitioners in Writ Petition No.10149/2014.

4. Upon perusal of the contents of the impugned order assailed in Writ Petition No. 10149/2014, which is already decided and judgment is pronounced today, and the contents of the order under challenge in the present Petition are almost identical.

5. In that view of the matter, for the same reasons, which are assigned in the judgment in Writ Petition No.10149/2014, which is pronounced today in Writ Petition No.10149/2014, this Writ Petition also deserves to be allowed. Accordingly, we quash and set aside the impugned letter / order dated 28.07.2015 passed by respondent

no.2, and we direct respondent no.2, to consider the claim of the petitioner on merits after hearing the petitioner and also similarly situated persons and keeping in view their service record and the fact that their names have already been included in the list of surplus employees prepared by the respondent authorities in pursuance of the directions issued by this High Court in Writ Petition Nos.5744/2003 and 43/2004. We make it clear that respondent no.2 shall not assign the same reasons, which are assigned in the impugned communication, and take decision on the claim of the petitioners on merits. The petitioner is awaiting his absorption since long, therefore, we direct respondent no.2 to take decision after hearing the petitioner and also all concerned including the Headmaster as expeditiously as possible, however, within 10 weeks from today and communicate the said decision to the

petitioner and the concerned respondents. The petitioner and respondent no.7 shall appear before respondent no.2 in his office on 16th August, 2016. Respondent no.2 shall allow the petitioner and also respondent no.2 to place on record the copies of the documents, if any, and after summoning the record of the office of the Social Welfare Officer, Zilla Parishad, Nanded as well as the Special Social Welfare Officer, Nanded, take a decision on the same day or may fix further date for hearing and for taking decision. However, the entire exercise has to be completed as expeditiously as possible, however, within 10 weeks from today.

6. The Petition is partly allowed. The Writ Petition is disposed of on above terms.

Sd/-
[SANGITRAO S.PATIL]
JUDGE

Sd-
[S.S.SHINDE]
JUDGE