

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7824 OF 2007

Mrs. Nandita Dubey/Tripathi **Petitioner**

V/s

The State of Maharashtra & Anr. **Respondents**

None for the Petitioner.

Mr. A.I. Patel, AGP for the Respondent Nos.1 and 2.

Mr. Rahul Nerlekar for the Respondent No.3.

CORAM : A.S. OKA &
A.A. SAYED, JJ.

DATED : 28 JULY 2016

ORDER:

1 Yesterday this Petition was called out for final hearing and none appeared for the Petitioner. The learned Counsel appearing for the High Court Administration was present. Even today none appears for the Petitioner. There are only two substantive prayers in this Petition which are prayers "A" and "B" which read thus:

"(A) Quash and set aside the impugned condition in the advertisement dated 25.02.2005 (Annexure A) issued by Maharashtra Public Service Commission Respondent No.2 in so far as appointment to judicial services are concerned by which blind candidates are disqualified from being appointed to judicial posts;

(B) Direct the State Government to implement the provisions of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and in particular Section 33 and command the Law and Judiciary Department to make reservation for persons suffering from blindness or low vision in the Law and Judiciary Department for the post of Assistant Government Pleader which is under the Law and Judiciary Department, forthwith;”

2 As far as prayer “A” is concerned, the law is already laid down by this Court in the case of **Mr. Sushil K. Sonawane vs. Maharashtra Public Service Commission and others (Original Side, Writ Petition No.1784 of 2015)**. This Court by the said judgment and order rejected the similar prayer made in relation to the same post. As far as the prayer “B” is concerned, there is an Affidavit-in-Reply filed by Shri Madhukar D. Khobragade, Under Secretary to the Government, Law and Judiciary Department. In the said Affidavit, State Government has pointed out the terms and conditions on which the Assistant Government Pleaders and the Government Pleaders are appointed. It is contended that the Assistant Government Pleaders and the Government Pleaders are not regular employees of the State Government and therefore, clause ‘a’ of sub section 1 of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 will not apply to the said posts. Hence, prayer (B) cannot be granted.

3 Hence, no relief can be granted in this Writ Petition. The Writ Petition is rejected. Rule is discharged. No order as to costs.

(A.A. SAYED, J.)

(A.S. OKA, J.)

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