

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7250 OF 2005

Shivhar s/o Basawraj Patil
Age 23 years, occup. Service,
R/o Kharosa, Tq. Ausa,
District Latur

.. Petitioner

versus

Zilla Parishad, Latur, through
its Chief Executive Officer, Latur

.. Respondent

Mr. P. G. Rodge, Advocate for petitioner
Mr. P. R. Tandale, Advocate for respondent

CORAM : SUNIL P. DESHMUKH &
SANGITRAO S. PATIL, JJ.

DATE : 15-11-2017

ORAL JUDGMENT (PER : SUNIL P. DESHMUKH, J.)

1. Petitioner who is a handicapped person and also earthquake affected person is aggrieved by show cause notice issued by the respondent on 03-10-2005 and as such is before this court.

2. The petitioner has passed secondary school certificate examination and has also acquired diploma in agriculture. He had been appointed as Gramsevak by respondent on 18-11-2004 on contract basis.

3. Learned counsel appearing on behalf of petitioner states that petitioner's appointment had been made, he being a handicapped and earthquake affected person. Subsequently, petitioner was given show cause notice on 03-10-2005, stating that while appointing him it had been noticed that he had been a nominee / ward of ex-serviceman and as such was directed to produce document supporting that he has either been ex-serviceman or nominee / ward of ex-serviceman.

4. Petitioner appears to have filed reply / explanation to said show cause notice on 14-10-2005 stating that he had not been appointed as ex-serviceman or a nominee / ward of ex-serviceman and further that along with his application for appointment he had specifically referred to that he is a handicapped and earthquake affected person. Non consideration of the explanation has necessitated him to file present writ petition taking exception to the show cause notice.

5. Learned counsel for the respondent tenders across a communication dated 08-05-2008 from Zilla Parishad, Latur and refers to that petitioner's services have been regularized subject to outcome of the writ petition.

6. In the circumstances, position emerges that there is no dispute about petitioner being handicapped and earthquake

affected person and that he had applied accordingly and even had been issued appointment order accordingly with reference to his such application. Thus, the basis of show cause notice apparently is untenable.

7. Learned counsel for the respondent although states that an alternate remedy is available to the petitioner yet, looking at the apparent position referred to above this does not appear to be a case wherein further fact finding is required.

8. Impugned order, as such, is quashed and set aside. Consequently, writ petition is allowed in terms of prayer clause (B) and is disposed of.

9. Rule made accordingly absolute.

SANGITRAO S. PATIL
JUDGE

SUNIL P. DESHMUKH
JUDGE

pnd