

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 259 OF 2017

Prabhakar R. Adlinge

..Petitioner

Vs.

Zilla Parishad, Solapur and Others

..Respondents

Mr. I. M. Khairdi, for the Petitioner.

Mr. S. B. Kalel, AGP, for Respondent Nos.2 and 3.

Mr. S. R. Ghanavat, for Respondent Nos.4 and 5.

CORAM:-B.R.GAVAI & B. P. COLABAWALLA,JJ.

DATE :- DECEMBER 21, 2017.

P. C.:

The Petitioner has approached this Court praying for a relief directing the Respondents to forthwith make available the benefits as per the provisions of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short “the Act”).

2 In the affidavit in reply filed on behalf of Respondent Nos.2 and 3, the claim of the Petitioner has been admitted. It is

however submitted in paragraphs 5 and 6 thus:-

“5. I further say that, as per the abovementioned facts, Respondent No.2 submitted his proposal on 05.12.2017 to the office of Deputy Director of Education, Pune Region, Pune for further implementation of petitioners demand and to disburse his salary. I say that, the office of Deputy Director of Education, Pune, Region, Pune immediately submitted the proposal on 06.12.2017 to the Principal Secretary, School Education Department, Mantralay, Mumbai for further decision. Hereto annexed and Marked as **Exhibit-1** Colly are the copies of the letter dated 05.12.2017 and dated 06.12.2017.

6. I say that , as it is policy decision to create new post for the Petitioner, it is further needs to take prior permission from the Social Justice Department and Finance Department, State of Maharashtra. Hence it needs to have some period to get the permissions from concerned departments and to settle the petitioner's demand as he deserves.”

3 We, therefore, find that the grievance of the Petitioner substantially stands satisfied. What remains is the final approval

that is to be granted by the State Government.

4 Taking into consideration the mandate of the said Act, we dispose of the Petition with a direction to the State Government to decide the proposal submitted by Respondent Nos.2 and 3 and grant this approval to the new post which is sought to be created for accommodating the Petitioner. The same shall be done within a period of three months from today.

5 Needless to state that the arrears of the salary shall be paid to the Petitioner within a period of six months from today.

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)