

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1977 OF 2016

(ASHOK BHURAJI PATMASE....VS..DISTT. SOCIAL WELFARE OFFICER, ZP, AMRAVATI & 5 OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.N. Patre, advocate for the Petitioner.
Ms Shamsi Haider, A.G.P. for Respondent No.6.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 30, 2017.

Heard.

The petitioner/ employee takes exception to the order passed by the Regional Deputy Commissioner, Social Welfare Department dismissing the appeal filed by him under the Special Code applicable to the schools for specially challenged.

In the judgment given by this Court in Writ Petition No. 7389 of 2014 on 19th October, 2015, relying on the judgment given in the case of *Secretary, A.P.D. Jain Pathshala and others Vs. Shivaji Bhagwat More and others*, reported in **(2011) 13 SCC 99**, it is held that the Regional Deputy Commissioner, Social Welfare Department cannot exercise quasi-judicial powers and decide the appeal filed by the employee as the Special Code which is in the nature of executive instructions issued by the State Government cannot confer the quasi-judicial powers.

In view of the above, I find that the challenge raised by the petitioner cannot be considered.

The right of the petitioner to agitate his grievance is left open to be considered by the appropriate Forum. It is clarified that the findings/ observations recorded in the impugned order shall not have any effect on adjudication of the matter by the competent Authority/ Forum before which the petitioner may approach, if so advised.

With the above observations, the petition is **dismissed**. No costs.

JUDGE

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