

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

17 WRIT PETITION NO. 3728 OF 2018

- . Nikita D/o Sunil Patil
Age: 28 years, Occu.: Service as
Cook, Muk-Badhir Niwasi Vidyalaya,
Umari, Tal.Kaij, Dist.Beed,
R/o.Gangamasla, Tal.Majalgaon,
District Beed. ..Petitioner

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Social Welfare Department,
Mantralaya, Mumbai.
2. The Commissioner of Disabled,
Maharashtra State, Pune,
3. The Chief Executive Officer,
Zilla Parishad, Beed.
4. District Social Welfare Officer,
Zilla Parishad, Beed.
5. Janartha Shikshan Prasarak
Mandal, Yellamb Ghat,
Tal.Kaij, District Beed,
Through its Secretary/
President. ..Respondents

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Advocate for Petitioner : Mr.V.A.Bagal
AGP for Respondent Nos.1 & 2 : Mr.P.N.Kutti
Advocate for Respondent Nos.3 & 4: Mr.K.B.Jadhavar

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**CORAM : R.M.BORDE AND
K.K.SONAWANE, JJ.**

DATE: 16th April, 2018

ORAL JUDGMENT (Per R.M.Borde, J.) :

1. The learned counsel appearing on behalf of the petitioner seeks leave to delete the name of respondent No.5. Leave is granted.

2. Heard. Rule. Rule made returnable forthwith and heard finally with consent of the learned counsel for the parties.

3. The petitioner is objecting to the communication issued by the Chief Executive Officer, Zilla Parishad, Beed, directing the Management to terminate her services. The direction has been issued in pursuance to the communication issued by the Director of Handicaps/Disabled to the Chief Executive Officer, Zilla Parishad, Beed.

4 . The petitioner has been appointed as Cook in private institution and her services have been approved by the District Social Welfare Officer, Zilla Parishad, Beed. Since, the appointment order has been issued by the District Social Welfare Officer, the Chief Executive Officer of the Zilla Parishad does not have jurisdiction vested in him to direct the Management to terminate services of the petitioner. The approval accorded to the appointment of petitioner is still in force and same has not been recalled by the District Social

Welfare Officer. It was unnecessary for the Chief Executive Officer, Zilla Parishad, to exercise jurisdiction in the matter and issue such directions to the concerned Institution.

5. The issue raised in the instant petition is covered by the decision rendered by Division Bench of this Court in Writ Petition No. 4618 of 2017 on 18.12.2017 and in companion matters.

6. For the reasons recorded in the aforesaid Judgment, this petition also deserve to be allowed and the same is accordingly allowed. The communication issued by the Chief Executive Officer, Zilla Parishad, Beed, to the concerned Management directing the Management to terminate services of the petitioner, is quashed and set aside. In the event, the authority proposes to take any action, same shall not be taken without extending opportunity of hearing to the petitioner. Petitioner is entitled to receive salary, if remained unpaid and same shall be disbursed to her expeditiously.

7. Rule is accordingly made absolute. There shall be no order as to costs.

(K.K. SONAWANE)
JUDGE

(R.M. BORDE)
JUDGE