

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11538 OF 2017

Ranjana Shatiba Kamble

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Santosh B. Gastgar, Advocate for the Petitioner.

Mrs. Vaishali Patil – Jadhav, A.G.P. for Respondents.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVALA, JJ.

DATE : **13th March, 2018**

PER COURT :

1. Mr. Gastgar, learned advocate submits that the petitioner is disabled person. The disability is 100%. The respondents illegally terminated the services of the petitioner. The communications relied along with the affidavit-in-reply were never served upon the petitioner at any point of time, so as to enable the petitioner to give her explanation. The respondents cannot abruptly terminate the services of the petitioner. The petitioner would get the protection and the benefit of The

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. According to the learned advocate for the petitioner, social responsibilities is cast upon the Government to provide and protect employment to disabled persons. The respondents have failed in their duties.

2. Learned Assistant Government Pleader supports the order.

3. It is not disputed that the petitioner was appointed on contract basis and the period of contract came to an end. However, petitioner was continued from time to time and is not continued after 31st March, 2016. The petitioner was appointed as a Computer Operator. The communications issued by the authorities *inter-se* shows that the petitioner is not in a position to properly do her work and is not possessing the proper knowledge for the said work and because of which there is obstruction in the work to be done. There are also averments about some misconduct, however, we need not go into all those aspect. The petitioner has no right to be continued.

4. Clause 10 of the appointment order also states that, if the work of the appointee is not satisfactory, then the agreement would come to an end. At the first place the agreement is not continued after 31st March, 2016 and secondly the work of the petitioner was not found satisfactory as is clear from the various correspondence filed on record.

5. Considering all the aforesaid aspects of the matter, the grievance of the petitioner cannot be entertained. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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