

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITIOIN NO. 8799 OF 2017

Shankarlal S/o. Shriram Lohiya,
Age 80 years, Occ. Pensioner,
R/o. Sambhajinagar, Priyadarshani
Colony, Jalna, Taluka & District Jalna

.. Petitioners

Versus

- 1) The State of Maharashtra
(Through the Secretary,
Home Department, Revenue Department
and GAD, Mantralaya, Mumbai - 32)
- 2) The Collector,
Jalna
- 3) The Superintendent of Police,
Jalna
- 4) The Police Inspector,
Sadar Bazaar Police Station, Jalna
- 5) The Chief Officer,
Municipal Council, Jalna
- 6) Union of India,
Through Principal Secretary,
Ministry of Social Justice,
New Delhi
- 7) The State of Maharashtra,
Through Secretary,
Special Justice and Special
Assistance Department,
Mantralaya, Mumbai - 32

.. Respondents

...
Mr. B.R. Waramaa, Advocate for petitioner
Mr. G.O. Wattamwar, AGP for respondent - State
Mr. D.G. Nagode, Advocate for respondent no. 6
Mr. Balbhim Aachutrao Shinde, Assistant Commissioner, Social Welfare,
Jalna is present
...

CORAM : SUNIL P. DESHMUKH &
S.M. GAVHANE, JJ.
DATE : 01-07-2019

ORDER :

1. This petition had been moved seeking *mandamus* for constitution of State Council as per Rule 21 and District Coordination Committee as per Rule 22 of Maintenance and Welfare of Senior Citizen's Rules, 2010 (for short "**the Rules**") and for implementation of Maintenance and Welfare of Parents & Senior Citizen's Act, 2007 (for short "**the Act**") and rules framed thereunder.

2. In reply, a reference has been made to the government resolution dated 26-05-2016, purporting to be in accordance with rule 21 of the Rules. However, perusal of the same shows that Council comprises 21 ministers and state ministers and a secretary and commissioner.

3. Having regard to the same, it does not appear that the constitution of said Council is congruous with constitution of the Council, as referred to under rule 21 of the Rules.

4. During pendency of this writ petition, while same had been pointed out, it appears that thereafter a communication has been issued by additional secretary, department of social justice and special assistance, Mantralaya, Mumbai dated 25-06-2019, referring to that it be pointed out to the court that constitution of the Council would be in accordance with rule 21 and that same would be done within two months. A copy of communication tendered across is marked 'X' for the purpose of identification.

5. Learned counsel for petitioner also refers to a decision of supreme court in the case of *Ashwani Kumar V. Union of India and others* reported in (2019) 2 S.C.C. 636, whereunder, he submits that there are directions for implementation of the Act.

6. Learned Assistant Government Pleader states that Mr. Balbhim Aachutrao Shinde, Assistant Commissioner, Social Welfare, Jalna is personally present in court.

7. Having regard to aforesaid, it appears that purpose underlying the writ petition gets worked out and writ petition, thus, is disposed of accordingly.

8. So far as other aspects demanded in writ petition, disposal of this petition would not undermine the approaches being made for said purpose with the concerned authorities.

[S.M. GAVHANE]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

arp/