

IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.1370 OF 2019

Mr. Kiran Mahendrabhai Adhiya .. Petitioner

Vs.

The State of Maharashtra & Ors. .. Respondents

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Mr. Anand Pande Advocate for Petitioner

Mr. A.I. Patel AGP for Respondent Nos. 1 and 2

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CORAM: PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.

DATED :APRIL 08, 2019

P.C.:

1. Heard learned counsel for the parties. The case of the Writ Petitioner is that suffering from 100% hearing and speech disability, he is a differently-abled person. He sought to be appointed as a Peon under Respondent No.3; an aided Institution. On the Petitioner applying for being given

appointment as a Peon by Respondent No.3, the requirement of the law was a proposal to be sent by Respondent No.2 i.e. the Education Officer (Secondary) to Respondent No.3. Referring to the information gleaned by the Petitioner under the Right to Information Act, it is pleaded that the information made available shows the availability of a post under Respondent No. 3 against which, the Petitioner could have been given appointment.

2. Pleadings in the petition further bring out that the proposal sent by the Respondent No. 2 to the Respondent No.3 turned out to be a matter of debate inasmuch as what was forwarding to Respondent No.3 by Respondent No.2 was a recommendation made by the concerned Minister and not a proposal properly so called by the Respondent No.2 to the Respondent No.3.

3. Learned counsel for the 1st and 2nd Respondent drew our attention to the Memo of Petition to bring home that the age of the Writ Petitioner as on the date when the Writ Petition was filed i.e. 10 October 2018, was 56 years.

4. The age of retirement of Class-IV employee in

Private aided Institution, as we are given to understand, is 58 years. Thus unfortunately for the Petitioner it is too late in the day for the Court to render any assistance.

5. The Petition is dismissed on account of the fact that it is too late in the date to grant any relief to the Petitioner; who is even otherwise age barred.

N.M.JAMDAR, J.

CHIEF JUSTICE