

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12622 OF 2019**

Santosh Annasaheb Bedare ... Petitioner
versus
State of Maharashtra and Ors. ... Respondents

Mr. Surendra Kumar Choudhari, for Petitioner.
Mrs. M.P.Thakur, AGP, for State.

**CORAM: S.J. KATHAWALLA &
B.P.COLABAWALLA, JJ.**

DATE: 17th JANUARY, 2020

P.C.:

1. The Petitioner in the above Writ Petition is physically handicapped being affected by right sided post polio residual paralysis of lower limb in the right leg since the age of five years with 45% disability.
2. The Petitioner was employed as an Assistant Teacher since 1st June, 2001 in the Parampujya Parshivappa Primary Ashramshala, Chungi, Taluka Akkalkot, District Solapur ('the said Ashramshala'). The said Ashramshala was run by the Vimukta Jati, Nomadic Tribes, Other Backward Class and Special Backward Class Welfare Department, Government of Maharashtra.
3. The Petitioner was employed as an Assistant Teacher since 3rd May, 2005 in the Ashramshala. The recognition of the said Ashramshala was cancelled on 12th March, 2012. The cancellation was confirmed in Appeal by an order dated 3rd July,

2012. The Petitioner was relieved from the employment by an order dated 1st November, 2012. The Petitioner was absorbed at the Government Residential School, Akkalkot with effect from 6th June, 2013. However, the Petitioner and other teachers were relieved from the said school with effect from 27th March, 2015. The Petitioner states that thereafter he is jobless. He has filed the present Writ Petition on 7th June, 2019 seeking reliefs prayed therein. However, he has not pressed for arrears of salary, but has only pressed for directions to the Respondents or any of them to absorb him in any of the Ashramshala/Government School/Institution in any district within the state of Maharashtra.

3. The learned AGP has filed an Affidavit dated 15th January, 2020 of one Kailas Adhe, working as Assistant Commissioner, Social Welfare, Solapur. Paragraphs 2 and 3 of the said Affidavit are relevant and are reproduced hereunder :

“2. I say that it is true that Petitioner is a physically handicapped person and was employed as an Assistant Teacher, since June 2001 in the Parampujya Parshivappa Primary Ashramshala, Chungi, Taluka Akkalkot, District Solapur, which was run by Late Naru Borkar Anath Ashram & Social Service Sanstha, Chungi, Taluka Akkalkot, District Solapur (hereinafter referred to as “the said Ashramshala”). I say that the said Ashramshalal was closed on 12th March, 2012 due to non-availability of necessary infrastructure and facilities to the students.

3. I say that pursuant to the Government Resolution dated 19th September, 2019, it is resolved that the said Ashramshala is transferred to Mahadeo Kashiraya Patil Primary Ashramshala, Taluka Akkalkot, Dist.

Solapur. I say that pursuant to this G.R. that it is binding upon the new institute to commence from academic year 2020-21. I say that an order of absorption of the Petitioner in the new institute shall be issued by this Respondent and the Petitioner is required to join the new institute within a period of 30 days from the date of the order. Hereto annexed and marked "Exhibit A" is a copy of the said G.R. dated 19th September, 2019. I say that therefore, the Petitioner shall be absorbed in the new Ashramshala on and from June 2020 and shall be entitled to his salaries accordingly."

4. The assurance given in the aforesaid paragraphs that the Petitioner shall be absorbed in the new Ashramshala on and from June, 2020 and shall be entitled to his salaries accordingly, is accepted as an undertaking given to this Court. The Petitioner has also accepted the offer as set out above.

5. The Writ Petition is accordingly disposed off in the above terms.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)