

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1001 OF 2019

Suresh Tarasing Rathod & Anr. ..Petitioners.
Versus
The Assistant Commissioner and Others. ..Respondents.

WITH

WRIT PETITION NO. 1438 OF 2019

Nijgunayya R. Hiremath. ..Petitioner.
Versus
The Assistant Commissioner and Others. ..Respondents.

WITH

WRIT PETITION NO. 3544 OF 2019

Waghmode Babasaheb Jaywant and Anr. ..Petitioners.
Versus
The Assistant Commissioner and Others. ..Respondents.

WITH

WRIT PETITION NO. 3519 OF 2019

Umesh Laxmanrao Gaikwad and Anr. ..Petitioners.
Versus
The Assistant Commissioner and Others. ..Respondents.

WITH

WRIT PETITION NO. 3545 OF 2019

Shivraj S. Bande and Others. ..Petitioners.
Versus
The Assistant Commissioner and Others. ..Respondents.

WITH

WRIT PETITION NO. 3546 OF 2019

Uday Tulshidas Shelar. ..Petitioner.
Versus
The Assistant Commissioner and Others. ..Respondents.

WITH

WRIT PETITION NO. 3548 OF 2019

Bhusnur D. Sukhdev and Others. ..Petitioners.
Versus
The Assistant Commissioner and Others. ..Respondents.

Mr. I. M. Khairdi for the Petitioners.
Ms. Nisha Mehra, AGP for the Respondent-State.

Coram : R. K. DESHPANDE, &
PRITHVIRAJ K. CHAVAN, JJ.
Date : **March 11, 2020.**

P. C. :

1. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the respective parties.

2. For redressal of the grievance made in these petitions, it is the stand taken by the Respondents in their affidavit dated 6th February 2020 filed in Writ Petition No. 3545 of 2019 that a forum is created under the Government Resolution dated 3rd October 2017. Paragraph nos.3 and 4 of the said affidavit are reproduced below :

"3. I say and submit that, vide G.R.dated 03.10.2017, the Respondents have introduced a quasi-judicial system for the redressal of the grievance of the employees working in Government Granted Ashram Schools/ Residential Schools & Institutions belongs to VJNT, OBC and Special Backward Class. The said authority, i.e., Regional Deputy Commissioner, Social Welfare Department, Pune Division is fully functional and the Petitioner may be directed to exhaust the alternate remedy to redress their grievances. It is humbly submitted that the present petition filed under Article 226 of Constitution of India, 1950, is not maintainable as an alternate and

efficacious remedy is available to the Petitioner.

4. *I say and submit that, by above Government Resolution dated 03.10.2017, the State Government has set up a quasi-judicial system where an aggrieved party should file a complaint first before the Regional Deputy Commissioners of the respective Division. The said complaint should be decided by the said authorities in accordance with law within a period of 30 days. If the grievance is not redressed, a remedy by way of First Appeal before Director, VJNT, OBC & SBC Welfare M. S. Pune within period of 15 days from date of order passed by the Division Officer, is provided. I say that the said Appeal shall be decided by the competent authority within a period of 45 days after the receiving the appeal.*

. *It is further submitted that if, the concerned employee is not satisfied / or is aggrieved with orders passed by the First Appellate Authority, then the aggrieved party can file a Second Appeal before Hon'ble principle Secretary, VJNT, OBC & SBC Welfare Department, Mantralaya, Mumbai - 32 within a period of 15 days from date of order passed by the Hon'ble Principal Secretary, VJNT, OBC & SBC Welfare Department, Mantralaya and the Second appeal shall be decided by the competent authority within a period of 90 days after the receiving the appeal.*

. *I further say and submit that, if the grievance of the appellant is not addressed, then, they can submit an application before the Hon'ble Minister, VJNT, OBC & SBC Welfare Department, Mantralaya, Mumbai for its review, and the decision taken by the Hon'ble Minister, VJNT, OBC & SBC Welfare Department, Mantralaya, Mumbai, will be final and no review can be made against that decision to any other competent authority."*

3. In view of the aforesaid stand taken by the Respondents, the Petitioners are at liberty to move their

representations within the period of three weeks from today before the concerned authority, which shall take decision in accordance with the said Government Resolution and communicate it to the Petitioners so that if the Petitioners are aggrieved by the said decision, appropriate appeal, within the stipulated time, can be preferred.

4. Rule is made absolute in aforestated terms. There shall be no order as to costs.

[PRITHVIRAJ K. CHAVAN, J.]

[R. K. DESHPANDE, J.]