

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

918 WRIT PETITION NO.6630 OF 2018

RAVINDRA LOTAN PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Ms. P. S. Talekar.
AGP for Respondent Nos.1 to 4 & 7-State : Mr. S. G. Sangle.
Advocate for Res. Nos.5 & 6 : Smt. Chaitali Choudhary-Kutti.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 22.07.2021

PER COURT :-

1. By this petition, the petitioners have put forth prayer clauses 'A to D' as under :

"(A) To direct the respondent no.3 to release funds in favour of the petitioners for the purchase of scooter with adaption by issuing a writ of mandamus or any other writ, or order or direction as the case may be."

"(B) To direct the respondent no.3 to give accessibility to the Director of Education, Pune to caption of column no.13 pursuant to the GR dated 13.03.2012 to purchase scooter with adaption for the petitioners by issuing a writ of mandamus or any other writ, or order or direction as the case may be."

"(C) To direct the respondents to fund and purchase scooter with adaption for the petitioners expeditiously by issuing a writ of mandamus or any other writ, or order or direction as the case may be."

*"(D) To direct the respondents to decide the representations preferred by the petitioners (**Exhibit K**) pending hearing and final disposal of this petition."*

2. The issue raised by these petitioners is that they are all physically challenged and they need a particular type of scooter with retrofitted wheels adaptation, which would enable such physically challenged persons to ride the scooter. A particular fund per scooter can be allotted by the Government. The money is not handed over directly to the physically challenged person. He has to tender a quotation of a two wheeler manufacturer along with the expenditure for adapting it for his use and subject to a particular limit of expenditure, the Government sanctions the amount to be paid directly to the dealer. The Government Resolution dated 19.11.2015, issued by the State of Maharashtra indicates that the maximum permissible grant-in-aid is Rs.1,00,000/- (Rupees One Lakh only).

3. In Writ Petition No.3294 of 2010 along with connected Public Interest Petitions (Nilima Anant Surve Vs. State of the State of Maharashtra and others), this Court at its principal seat has passed an order on 13.03.2013, thereby directing the

State Government to initiate appropriate steps for ensuring that the physically challenged teaching and non-teaching staff working in various types of schools like aided, unaided, primary, secondary, higher secondary, military school and college of education etc. are supplied with such adapted scooters. Based on the said order, the State of Maharashtra through it's School Education and Sports Department, issued a Government Resolution dated 13.03.2012 thereby providing such facility to the physically challenged teaching and non-teaching staff.

4. The learned advocate for petitioner submits that all these petitioners are presently imparting education in the Zilla Parishad Schools at Jalgaon. The non-teaching staff employed in such schools are extended the benefits under the Government Resolution dated 13.03.2012. She further submits that the Primary Education Directorate, State of Maharashtra, through the Director of Education (Primary) has addressed the Principal Secretary, School Education and Sports Department that all the challenged teaching and non-teaching staff of the Zilla Parishad, Sindhudurg, Nagpur and Jalgaon have been demanding such benefits, which they are entitled to. The

Director Education has therefore, requested the Principal Secretary to advise as to whether such expenditure can be placed under Head-13 keeping in view the Government Resolution dated 13.03.2012.

5. This Court had passed an order on 08.07.2019 permitting the petitioners to add the Commissioner For person with Disabilities as a respondent and had further directed the learned AGP to take instructions as regards the grant-in-aid to enable the petitioners to possess the scooters with adaptation. After the affidavit was filed by the concerned department, further time was granted on 17.12.2019 so as to enable the Rural Development Department to take steps in coordination with the School Education and Sports Department.

6. Having considered the submissions of the learned advocates for the respective sides and having gone through the petition paper book and more specifically the Government Resolution dated 13.03.2012 and the communication dated 05.01.2018, there is no room for doubt that these teaching and non-teaching staff of the Zilla Parishad in the State of Maharashtra cannot be ignored. When the non-teaching staff

of the Jalgaon Zilla Parishad have been granted the benefits, we do not find any logic or rhyme or reason for the Government to deny the said benefit to the teaching staff. We are, in fact, astonished and pained that though the State Government had rightly reacted to the orders of this Court in Nilima Anant Surve (*Supra*) and had introduced the Government Resolution dated 13.03.2012, it is in 2021 that these 57 petitioners, who are physically challenged teachers, are at the door steps of the High Court demanding justice, since they were ignored.

7. In view of the above, we are partly allowing this petition with the following directions :

- (a) Respondent Nos.1, 2 and 3 shall initiate steps for extending the benefits of the Government Resolution dated 13.03.2012 to all these petitioners.
- (b) To avoid further litigation, we direct that all such eligible teachers working in the Zilla Parishad should be given the benefit of the said Government Resolution.
- (c) The decision in the light of the above shall be

arrived at by respondent Nos.1, 2 and 3, as expeditiously as possible, and on or before 17.09.2021, which is a commemoration day of Hyderabad Mukti Sangram.

- (d) We have no doubt that respondent Nos.1, 2 and 3 have to simply take a decision as regards the head of expenditure, keeping in view the communication dated 05.01.2018 and, therefore, in the event of any failure to comply with the above directions, we would be compelled to view the said inaction seriously.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-