

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2560 OF 2021

Seema B. Patil & Anr.

...Petitioners

Versus

The Assistant Commissioner,
Social Welfare Department & Ors.

...Respondents

**WITH
INTERIM APPLICATION NO.1768 OF 2021
IN
WRIT PETITION NO.2560 OF 2021**

The Assistant Commissioner,
Social Welfare Department

...Applicant

V/s.

Seema B. Patil & Ors.

...Respondents

**WITH
WRIT PETITION NO.4456 OF 2021**

Vinayak B. Rajmane & Ors.

...Petitioners

V/s.

State of Maharashtra & Ors.

...Respondents

Mr. S. A. Sawant and Mr. Digvijay Palande, i/b Mr.A.P. Deshmukh for the Petitioners in WP No.2560 of 2021.

Mr.Abhijeet Kulkarni i/b Mr.Sachin K. Hande for the Petitioner in WP No.4456 of 2021.

Ms.Sushma S. Bhende, AGP for the State – Respondent in WP No.2560 of 2021 and for the applicant in IA No. 1768 of 2021.

Mrs. P.H.Diwan, AGP for the State – Respondent in WP No. 4456 of 2021.

Mr. Narendra V. Bandiwadekar a/w Mr. Ajinkya Navate i/b Mr. Sachin Kadam for Respondent No 5.

Mr. I/M. Khairdi for added respondent nos 5 and 6 in WP No. 4456 of 2021.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 28th OCTOBER, 2021.

P.C. :-

1. Ms. S.S. Bhende, learned AGP tenders additional affidavit of Kailash Salunke, Deputy Secretary, Other Backward Bahujan Welfare Department, Mantralaya, notarised on 26th October, 2021, making stand of State Government clear about liability to make payment to the petitioner.

2. It is the case of the Government that the Management is responsible for appointing some of the petitioners on the post which were not sanctioned by the Government. In the affidavit it is also mentioned that the approvals were given to the irregular appointments of the petitioners and that salaries have been paid to the petitioners from December-2019 to March-2020 and for further period without there being any sanctioned posts and without there being any approvals from the State Government.

3. In view of these allegations made in the affidavit, the Management is permitted to file affidavit-in-reply to the affidavit filed by the Petitioner as well as by the State Government on or before 15th November 2021 with a copy to be served upon the petitioner's advocate simultaneously. Rejoinder, if any, shall be filed by the

petitioner as well as by the State Government within one week thereafter with a copy to be served upon the respondents' advocate.

4. The State Government is directed to take policy decision as referred in the affidavit filed by Ujjwal Narayan Uke in Writ Petition No. 945 of 2015 on 20th August, 2015, on or before next date and shall inform this Court and comply with the earlier orders passed by this Court granting extension of the time to the State Government to take policy decision.

5. It is made clear that no further extension will be granted. It is made clear that if no policy decision is taken on or before next date, this Court will issue contempt notice against the concerned officer for deliberate non compliance of the order passed by this Court.

6. In so far as prayer clause (a) of Interim Application No. 1768 of 2021 is concerned, we grant extension to comply with the order dated 8th February 2021 till the next date and make it clear that no further extension would be granted.

7. Interim Application No. 1768 of 2021 is disposed of in the aforesaid terms.

8. We grant leave to amend to Writ Petition No. 4456 of 2021. The petitioner shall implead the Management as Respondent Nos. 5 and 6. Amendment to be carried out by tomorrow 5.00 p.m. Re-verification

is dispensed with. Learned counsel for the Management accepts service.

9. Place this matter **High on Board** on 29th November 2021.

[ABHAY AHUJA, J.]

[R. D.DHANUKA, J.]