

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

WRIT PETITION NO.4444 OF 2021

Sampati Baburao Randhive,
Age : 38 years, Occu: Labour,
R/o. Sant Goroba Kaka Nagar,
Sanja Road, Tq. and Dist. Osmanabad

... **PETITIONER**

VERSUS

1. The State of Maharashtra,
through Secretary, Agriculture,
Animal Husbandry, Development
and Fisheries Department,
Mantralaya, Mumbai.
2. The Deputy Commissioner,
Administration,
Milk Product Development Department
Warali, Sea Phase, Mumbai – 18.
3. Divisional Milk Product Development
Officer Aurangabad, Dist. Aurangabad.
4. The Manager,
Dudh Dairy, Bhoom, Tq. Bhoom
Dist. Osmanabad.

... **RESPONDENTS**

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Advocate for Applicant : Mr. Hanumant P. Bondar
AGP for Respondents: Ms. M.A. Deshpande

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**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

DATE : 24.08.2022

ORAL ORDER (MANGESH S. PATIL, J.) :

The petitioner is seeking direction for his appointment in grade-IV post in place of his deceased father who was serving as a gardener (गार्डनी) with the respondent No.4, in the light of the recommendations of Lad-Page report accepted by the State Government by resolution dated 11.03.2016.

2. The petitioner's claim was turned down by the communication dated 26.09.2020 on the ground that the recommendations of the Lad Committee accepted by the Government only covered the cases of scavengers (सफाई कामगार/स्वच्छक), who would take voluntary retirement or would retire, offering appointment to their heirs on compassionate ground.

3. The petitioner has made every endeavour to point out that even the nature of the work being performed by his deceased father was at times that of a scavenger. The learned advocate for the petitioner submits that the petitioner's case was duly covered by the recommendations of the Lad-Page Commission and his representation ought to have been accepted.

4. There can be no dispute about the fact that the recommendations of the Lad Commission merely covered the employees which were essentially scavengers from group-IV. Though an endeavour has been made by the petitioner to point out that at times his father was required to perform some duties which were akin to that of a scavenger or सफाई कामगार, there can be no dispute about the fact that his father was appointed as a gardener which is described as 'Nursery Assistant' in the Recruitment Rules applicable to the respondent Dairy Department which have been published on 29.01.2018.

5. If such is the state of affairs, no exception can be taken to the communication whereby the petitioner's proposal has been turned down on the sole ground that his father was a nursery assistant (माझी) and not a sweeper or scavenger to whom the recommendation of the Lad Commission

have been made applicable by the Government.

6. In the matter of **Shri Rajaram @ Rajendra Parsu Kamble Vs. State of Maharashtra and Ors.** (WP No.3539/2014 dated 21.01.2015), the predecessor of the petitioner therein was 'Zadu Nokar' and in view of the nature of his appointment and the duties the single Judge of this Court had accepted the claim of the heir of the Zadu Nokar in that petition which is not the fact situation in the matter in hand where the petitioner's father was a nursery assistant (माळी).

7. The Writ Petition is dismissed.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)