

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO. 5237 OF 2021

WASEEM BAIG KAREEM BAIG
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Syed Azizoddin R.
AGP for Respondent No. 1: Mrs. M.A. Deshpande
Advocate for Respondent Nos. 2 & 3 : Mr. Ameet R. Vaidya

...
CORAM : RAVINDRA V. GHUGE AND
S. G. DIGE, JJ.

DATE : 12th APRIL, 2022

PER COURT :-

1. We have considered the submissions of the learned Advocates for the respective parties.
2. With their assistance, we have gone through the petition papers.
3. The sole reason for rejecting the claim of the petitioner for appointment in her mother's place as Safai Kamgar, though belonging to the Bhangi caste and Muslim religion, is that she does not belong to the scheduled caste category.
4. This issue need not be taken up for the reason that Muslim is a religion and if the petitioner belongs to Bhangi caste, she would be eligible for appointment as Safai Kamgar considering the Lad - Page Committee recommendations.

5. By an order dated 29th September, 2019 delivered by the learned Division Bench of this Court in Writ Petition No. 7109 of 2018, filed by Shaikh Yusuf Shaikh Yunus, this Court has set aside the impugned communication and directed the Corporation to decide the proposal of the petitioner for appointing him as Safai Kamgar. The review application No. 242 of 2019 was rejected by this Court on 22-11-2019.

6. In view of the above, this petition is partly allowed.

7. The petitioner shall be removed from the list of ineligible candidates published by Aurangabad Municipal Corporation and her proposal for appointment as Safai Kamgar in the light of the Lad - Page Committee recommendations or on compassionate basis, as the case may be, would be decided on or before 31st May, 2022.

(S.G. DIGE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE