

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

93 WRIT PETITION NO.6092 OF 2018

RAM LAXMAN BHARATE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...
Advocate for the petitioner : Mr.H.V.Tungar
AGP for Respondent-State : Mr.A.R.Kale
Advocate for Respondent nos.4 and 5 : Mr.D.P.Deshpande
...

**CORAM : S.V.GANGAPURWALA &
S.G.DIGE, JJ.**

DATE : 28.02.2022

P.C. :

1] Mr.H.V.Tungar, learned counsel for the petitioner submits that the petitioner was selected for the post of Assistant with the Maharashtra State Electricity Distribution Company Ltd. [for short 'MSEDCL'] from the handicapped category. The petitioner suffered with 70% disability [hearing impairment]. The learned counsel submits that the petitioner was initially appointed and transferred to Latur Circle. The disability certificate was also submitted. In another disability certificate dated 09.05.2012, the Civil Surgeon does not state that the petitioner belongs to physically disabled category. The Civil Surgeon ought to have referred the disability certificate to

the Medical Council, however, he did not do so. The petitioner is ready to undergo examination before Medical Board. It is not the fault on the part of the petitioner if the Civil Surgeon issues defective certificate. According to the learned counsel, information obtained under Right to Information Act shows that one post for physically handicapped is still vacant. After recruitment of the year 2012, no fresh recruitment is undertaken by the respondents.

2] Mr.Deshpande, learned counsel for the respondents submits that there were two vacant posts available but both are filled in. The selection process is of the year 2012. List is also not operative.

3] Selection process admittedly is of the year 2012. The Writ Petition is filed after five years. Co-ordinate Bench of this Court under order dated August 25, 2021 has observed that the Court does not find that the petitioner was appointed and then terminated.

4] The petitioner was required to submit disability certificate within one year. The certificate dated 07.05.2012 does not describe disability whereas the certificate dated 14.11.2013 also does not show the disability of the petitioner.

5] It would be too late in the day now to direct respondents to consider the petitioner pursuant to the selection process of the year 2012.

6] In the light of that, Writ Petition is disposed of.

[S.G.DIGE, J.]

[S.V.GANGAPURWALA, J.]

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