

BASAVRAJ
GURAPPA
PATIL

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

WRIT PETITION NO.2221 OF 2021

Balu Dada Sonawane Petitioner
Vs.
State of Maharashtra & Ors. Respondents

**WITH
WRIT PETITION NO.3959 OF 2022**

Dnyan Sadhana Shikshan
Prasarak Sanstha Petitioner
Vs.
State of Maharashtra & Ors. Respondents

Mr. Sugandh Deshmukh for the Petitioner in 2221/2021
Mr. N. V. Bandiwadekar i/b. Sou. Ashwini Bandiwadekar for the
Petitioner in 3959/2022.
Mrs. P. N. Diwan, AGP for the State
Mr. Haridas Madhukar for Respondent No.4.
Ms. Pranita Hingmire for Respondent No.5
Mr. Mandar Bagkar for Respondent No.6
Mr. N. V. Bandiwadekar i/b. Mr. Vinayak Kumbhar for Respondent
No.7 in 2221/2021

**CORAM: S.V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : JULY 12, 2022

P.C.

1 The Petitioner in Writ Petition No.2221/2021 seeks
implementation of order dated 24th /30th July 2020 passed by the
Divisional Grievance Redressal Committee-cum-Divisional Dy.
Director of Education.

2 The Petitioner in Writ Petition No.3959/2022 challenges the order dated 30th July 2020 of which implementation is sought by the Petitioner in another Writ Petition and the Petitioner therein also challenges the further order which is a sequel to the order dated 30th July 2020.

3 We have heard the learned Counsel for the parties.

4 According to the learned Counsel for the Petitioner in Writ Petition No.3959/2022 the impugned order is passed without adhering to the procedure and principles of natural justice as is prescribed in Rule 38 of the Rights of Persons with Disabilities Rules, 2017 (**Rules, 2017**).

5 According to the learned Counsel for the Petitioner in Writ Petition No.2221/2021 though the original order dated 30th July 2020 was passed by the Authority without hearing the Institution, still, thereafter, the Institution sought guidance from the said Authority of making a detail representation and pursuant to the same, the Authority directed the Institution to give permission to the Petitioner under its communication dated 29th December 2020. In view of that the learned Counsel submits that the defect of the original order of not adhering to the principles of natural justice stands rectified.

6 It appears that there are three posts of Headmasters with the Society. The Society runs three schools. The roaster point is also given for providing the reservation to the persons with disability. In the present case, the issue is with regard to the reservation for the persons with disability.

7 The fact remains that the original orders are passed without hearing the parties. The roaster will also have to be considered while passing the order.

8 As the impugned orders are passed without adhering to the principles of natural justice, we set aside the same and remit the matters to the Authority under Rule 38 of the Rules, 2017.

9 The parties shall appear before the said Authority on 1st August 2022.

10 As the date of appearance is given by this Court, it will not be necessary for the Authority to issue notices to the parties.

11 The Institution may file its say to the complaint of the employees. The employees may also file additional say / representation with a copy to the other side.

12 The Authority under the Rules, 2017 shall, following the procedure laid down under Rule 38 of the Rules, 2017, decide the same expeditiously, preferably within three months from the date of appearance of the parties. All contentions of the parties are kept open.

13 The parties shall cooperate in expeditious disposal of the same. Even the persons who are likely to be affected, can participate in the proceedings.

14 The interim order passed by this Court shall continue till the matter is decided by the Authority.

15 The Writ Petitions stand disposed of.

(S. M. MODAK,J.)

(S.V. GANGAPURWALA, J.)