

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 709 OF 2022

Nandita Ravindra Tripathi vs. High Court of Judicature at Bombay and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
directions and Registrar's orders.

Court's or Judge's Orders. or

Mr. A. A. Mardikar, Senior Advocate a/b. Mr. Rishikesh Ladekar,
Advocate for petitioner.
Mr. Firdos Mirza, Advocate for respondent No.1.

**CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.**

DATE : 10/02/2022

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard Mr. Mardikar, learned Senior Advocate for petitioner and Mr. Mirza, learned counsel for the respondent No.1.

3. Learned Senior Advocate has placed reliance upon the provisions made a new in the Rights of Persons with Disabilities Act, 2016, particularly those in Section 2(y), 3(5), 33 and 34 in order to support the contention that the petitioner having a bench mark disability, is entitled to assert her right of reasonable accommodation in government jobs including the job of the District Judge.

4. According to Mr. Mirza, learned counsel for the respondent No.1, even though new Act has come into force, which is Act of 2016, insofar as the position of the High Court is concerned, there is no change in the law and it continues to govern the issue in the same manner as it did during the regime of previous Act i.e. the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

5. Mr. Mirza, learned counsel for respondent No.1, placed reliance upon the judgments rendered in the cases of **Sushil K. Sonawane vs. Maharashtra Public Service Commission and others**, Writ Petition No.1784 of 2015, decided on 14/10/2015, **Hemant s/o Sadanand Surve vs. The State of Maharashtra and others**, Civil Writ Petition No.5151 of 2000 decided on 03/10/2000 and **Mrs.Nandita Dubey/Tripathi vs. The State of Maharashtra and another**, Writ Petition No.7824 of 2007, decided on 28/07/2016 and the law laid down by the Apex Court in the case of **Vikash Kumar vs. Union Public Service Commission and others (2021) 5 Supreme Court Cases 370**.

6. At this stage, Mr. Mardikar, learned Senior Advocate, upon instructions, seeks leave of the Court to withdraw the petition with liberty to file a fresh representation to the respondent No.1 based upon the

change in position of law. He makes a request for supply of copies of the judgments relied upon by respondent No.1.

7. We request Mr.Mirza, learned counsel for the respondent No.1, to supply the same to learned Senior Advocate and Mr.Mirza in response, graciously submits that the request has been complied with immediately.

8. In view of the above, leave is granted to the petitioner to withdraw the petition with liberty as prayed for.

9. Writ Petition is disposed of accordingly.

JUDGE

JUDGE