

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO.2111 OF 2022

Firoz Khan S/o. Yusuf Khan Pathan,
Aged 48 Yrs., Occu.: Service,
R/o. Jalnagar, Behind Sapana Talkies,
Chandrapur-442 401

.... **PETITIONER**

// VERSUS //

Divisional Controller,
Maharashtra State Road
Transport Corporation,
Division Office, Durgapur
Road, Tukum, Chandrapur-442 401

.... **RESPONDENT**

Mr S.A. Nerkar, Advocate for petitioner
Mr P. A. Gode, Advocate for respondent

CORAM : SUNIL B. SHUKRE AND
G. A. SANAP, JJ.
DATED : 28.09.2022

ORAL JUDGMENT : (PER : SUNIL B. SHUKRE, J.)

1] Heard. Rule. Rule made returnable forthwith. Heard finally
by consent of learned counsel appearing for the parties.

2] The medical certificate which has been issued subsequent
to the disability certificate, obtained by the petitioner shows that now
he is fit for performing duty of a peon. The petitioner was working as a
driver and while in service, suffered disability. The disability suffered
by him is to the extent of 50% and this is in the nature of CVR Right

Hemiplegia, which is a form of paralysis as stated by learned counsel for the petitioner. Learned counsel for the petitioner submits that this disability is developed by the petitioner in his right forearm. The disability certificate shows that it is a kind of locomotor disability. So, this fact would show that it is not the case that petitioner is confined to bed or unable to make any movement. The movement restriction is only on account of the hemiplegia suffered by him in his right forearm and that too to the extent of 50%.

3] Against the above referred background of facts, the medical certificate issued subsequently by the Medical Board specially constituted by respondent would have to be read. It certifies the petitioner, as stated earlier, as fit for duty as a Peon. If this is so, we direct the respondent to provide employment to the petitioner, subject to the condition that the pay of the petitioner in the pay scale applicable to the driver and other benefits applicable to the post of driver shall stand protected till his retirement.

4] Rule is made absolute in the above terms. No costs.