

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

WRIT PETITION NO. 4423 OF 2023

Smt. Sangita d/o Mohanrao Malale

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. I. D. Maniyar – Advocate for the petitioner

Mr. S. K. Tambe – AGP for respondent/State

Mr. S. S. Dambe – Advocaet for respondent nos. 2 and 3

.....

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATED : 24th APRIL 2023

PER COURT : -

1. The petitioner has put forth prayer clauses B and C as under : -

“B. By issuing appropriate writ, orders or directions in the nature of writ of mandamus or any other appropriate writ, the respondent no. 2 and 3 may kindly be restrained to refer the petitioner before the J.J. Hospital Mumbai for verification.

C. Pending hearing and final disposal of this writ petition, not to take any coercive action pursuant to notice dated 05.04.2023 issued by respondent no. 3.”

2. Issue notice to the respondents, returnable on 21st June, 2023. The learned AGP waives service of notice on behalf of respondent no. 1. Since Shri. Santosh Dambe, learned advocate is

on the panel of the Zilla Parishad, Beed, we requested him to assist the court. Therefore, he has caused his appearance on behalf of the Zilla Parishad, Beed.

3. Since the petitioner is directed to appear before the Expert Medical Board at the J.J. Hospital, vide communication dated 05th April, 2023, we hold that the petitioner would get herself examined as per the orders passed. The concerned Appellate Medical Board, J.J. Hospital, Mumbai, shall submit the medical report of the petitioner's medical examination in a sealed envelope to the Chief Executive Officer, Zilla Parishad, Beed. He shall place the said envelope before this court without opening it.

4. In view of these directions, we restrain respondent nos. 2 and 3 from changing the service conditions of the petitioner until further orders.

5. At this juncture, after the above order was dictated, the learned advocate for the petitioner submits that the representation dated 06th April, 2023 submitted to the Zilla Parishad should be considered. As such, in view of the said statement, **this petition is disposed off** with liberty to the Zilla Parishad to consider the said representation and pass an appropriate order. The learned advocate for the petitioner submits on instructions that if the Zilla Parishad concludes that her medical certificate is doubtful, she

would be willing to be examined by the Appellate Medical Board of the J.J. Hospital, Mumbai. In view of this statement, the direction in paragraph 3 herein above, shall be enforceable after the above exercise is over.

[SANJAY A. DESHMUKH]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE