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

904 WRIT PETITION NO.9142 OF 2023

**RAJASHREE RAGHUVIR GAWANDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr S. A. Nagarsoge, Advocate for Petitioner;
Mr S. K. Tambe, A.G.P. for Respondent No.1
Mr P. D. Suryawanshi, Advocate for Respondent Nos.2 & 3

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 7th September, 2023

PER COURT:

1. In this petition, issue is as regards, whether the Petitioner suffers from any disability. The Zilla Parishad, on an enquiry commenced against all similar candidates, who have been selected and appointed on the basis of their disability or have been transferred on the basis of a disability, have subjected them to re-examination. Several matters have reached this Court and the Co-ordinate Benches of this Court have granted protection vide orders passed thereon.

(2)

2. In the present case, the Petitioner is once again subjected to a medical examination in the light of the order of the Zilla Parishad. By a report dated 21/06/2023, the Board of Referees, Sir J.J. Group of Hospital, Mumbai, has issued a Disability Certificate dated 21/06/2023, concluding that the Petitioner has 40% permanent blindness. The said certificate is taken on record and marked as 'X' for identification.

3.. In view of the above, **this Writ Petition is allowed.** The impugned certificate dated 03/01/2023, would not survive and stands set aside.

4. The Petitioner would be entitled for reinstatement at the place where-from she was removed. She will also be entitled for salary, if not paid, from June 2023, till her reinstatement. The arrears of salary shall be paid within 45 days from today.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk