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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2563 OF 2019**

Ankush Shailesh Patil & Anr ...Petitioners
Versus
Rotary Club of Bombay West and Rotary Service ...Respondents
Public Charitable Trust & Ors

Ms Panthi Desai, i/b MP Vashi, for the Petitioner.
Mr TR Yadav, i/b RV Paranjpe, for Respondents Nos. 1 & 2.
Mr Hemant Haryan, AGP, for Respondents Nos. 3 to 5-State.

**CORAM G.S. Patel &
 Neela Gokhale, JJ.**
DATED: 29th March 2023

PC:-

1. Ms Desai points out that on 28th March 2023, i.e., yesterday, the necessary approval was granted to the appointment of the teachers by *the Regional Deputy Commissioner, Social Welfare*. A copy of the communication is tendered, taken on record and marked “X” for identification with today’s date. For completeness, the Petitioners will file a one-page Affidavit annexing the approval so that it forms formally a part of the Court record.

2. Ms Desai points out that the permission has been apparently made subject to a No Objection Certificate (“NOC”) from the

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Commissioner of Disabilities in Pune. She submits that this NOC is not required and is a condition that can be waived. It would be unjust, she points out, in view of this approval of 28th March 2023 to keep that NOC question pending. It certainly should not be that, at some later stage for want of this NOC, the entire approval is sought to be recalled or set at naught.

3. We believe Ms Desai is correct in her submission. This would not be the first time that we have seen a situation where the non-grant of an NOC is sought to be used much later against an affected person.

4. The 28th March 2023 order says that the NOC question shall be kept aside but nonetheless proceeds to grant that permission. The approval of 28th March 2023 is not, in our view, made subject to or conditional upon the issuance of the NOC. The NOC is therefore seen and requires to be seen as a mere formality, if at all. It will make no difference whether the NOC is or is not formally issued by the Commissioner of Disabilities in Pune. If it is a pre-condition to the grant of approval, then the grant of approval necessarily involves the waiver of that requirement or its being seen as a mere ministerial formality.

5. There is minor typographical error in the approval order in the spelling of the name of the 1st Petitioner. Instead of अंकुश शैलेश पाटील it has been entered as अंकुश शैलश पाटील. The correct name appears in the reference column at the head of the approval order against Item No.7. The reference is clearly to the 1st Petitioner.

6. The pay band fixed is as per the Sixth Pay Commission. It goes without saying that now that the Seventh Pay Commission has been approved, accepted and adopted, the necessary emoluments will be paid according to the current scales to all the Petitioners. These pay bands are fixed with a starting date. All arrears are to be paid up to date but without interest on or before 24th April 2023.

7. The Petition is disposed of in these terms. There will be no order as to costs.

(Neela Gokhale, J)

(G. S. Patel, J)