



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9056 OF 2024

Bharat Govind Rathod

VERSUS

1. The State of Maharashtra Through its Secretary
2. The Regional Dy. Commissioner, Social Welfare
3. The Assistant Commissioner, Social Welfare
4. Marathwada Banjara Seva Sangh Through its Secretary
5. The Headmaster, Vimukt Jati Primary Ashram School

Mr. M. R. Deshmukh, Advocate for the petitioner

Mr. A. R. Kale, AGP for the respondents/State

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 23.08.2024

PER COURT :

The petitioner is one of the appellant who was before the Hon'ble Minister in an appeal referred pursuant to the mechanism provided by the government resolution dated 03/10/2017. By the order dated 08/06/2022 referring to that government resolution as a source of the power, the Hon'ble Minister issued certain direction for grant of approval to the appointment of all the appellants including the present petitioner.

2. It appears that some of the appellants were before this Court by filing separate petitions soliciting writ of mandamus directing the authorities to take appropriate steps in the light of the order passed by the Hon'ble Minister in the appeal. The coordinate division bench (Coram : Ravindra V. Ghuge and Y. G. Khobragade, JJ) by the order dated 18/11/2023, on a statement made by the learned AGP, directed the respondent nos.1 to 3 therein, who are none other than the respondent nos. 1 to 3 herein as well, to take appropriate steps to implement the order if there was no legal impediment and to extend consequential benefits.

3. It appears that the order of coordinate division bench in the matter of **Swati Shivaji Lawhare Vs. State of Maharashtra and others in Writ Petition No. 940 of 2018 decided on 07/05/2021**, whereby the mechanism provided by government resolution dated 03/10/2017 was held to be illegal, was not brought to the notice of the division bench in which a common order was passed in respect of other appellants before the Minister.

4. Be that as it may, since it is a matter of parity to be maintained, the petitioner cannot be singled out.

5. The writ petition is disposed of directing the respondent nos.1 to 3 to take appropriate steps in the light of the order passed by the Hon'ble Minister, if there is no legal impediment, as expeditiously as possible and in any case within six (06) weeks.

(SHAILESH P BRAHME, J.)

(MANGESH S. PATIL, J.)

SSP