



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

984 CONT. PETITION NO. 253 OF 2017
IN WP/1900/2014

SANDIP PANDITRAO BADGUJAR AND ANOTHER
VERSUS
S K BAGADE AND OTHERS

...
Advocate for the Petitioner : Mr. Pawar Ajay D.
AGP for Respondents/State : Mr. K.N. Lokhande

...
985 CONT. PETITION NO. 255 OF 2017
IN WP/1901/2014

VILAS LAHU LOKHANDE AND OTHERS
VERSUS
SHRI S K BAGADE AND OTHERS

...
Advocate for the Petitioner : Mr. Pawar Ajay D.
AGP for Respondents/State : Mrs. S.S. Joshi

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

DATE : 30.01.2024

PER COURT :

Heard the learned advocate for the petitioners in both these petitions.

2. The learned A.G.P tenders across the bar a copy of the communication dated 17.08.023 addressed to the petitioner by the Commissioner, Handicapped Welfare, Maharashtra State, Pune.

3. In Writ Petition No. 1900/2014 and 1901/2014, following order was passed on 29.01.2016:

“Heard learned counsel for the parties. Learned counsel for the petitioners submits that the proposal for revised pay scale which is sent by the Head Master of the concerned School to the Social Welfare

Officer, Zilla Parishad, Dhule has been forwarded to the Commissioner, Handicapped Welfare, Maharashtra State, Pune, which is pending and no decision is taken by the said authority on the said proposal.

2. The learned A.G.P appearing for the respondent State and State Authorities, in response to the submission of the learned Counsel for the petitioners submits that the proposal, if already not decided, will be decided finally by Respondent no. 2-Commissioner, Handicapped Welfare, M.S., Pune, as expeditiously as possible; however, within six weeks from today.

3. In the light of statement of the learned AGP, petition is disposed of. We make it clear that while considering the cases of the petitioners as per the proposal sent by the concerned school through Social Welfare Officer, the concerned authority shall keep in view the provisions of the Special School Code, 1997 and other relevant Government Resolutions governing the field at the relevant time.

Parties to act upon authenticated copy of this order.”

4. The communication tendered across the bar (supra) *inter alia* demonstrates that some decision in respect of the petitioners proposal has been taken and it has been held that they are not entitled to revised pay-scale.

5. Since *prima facie* there is a compliance with the directions of this Court (supra), nothing survives. Needless to state that it would always be open for the petitioners now to take exception to the aforementioned communication and challenge the decision.

5. Independently, we are constrained to observe that there is no specific direction of this Court for taking any decision. As is evident a statement was made on behalf of the State and the State authorities that they would consider and take appropriate decision on the petitioners' proposal. Without accepting any such statement as an undertaking and by simply reproducing it, in the first line of paragraph no. 3 the Court had directed the petition to be disposed of.

6. In view of above, irrespective of the fact that there are certain others

observations in the latter part of paragraph no. 3, we will not be in a position to undertake any scrutiny in the present proceeding as to sustainability of the decision subsequently taken in the light of these observations.

7. The contempt petitions are disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-