

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

**977 CONT. PETITION NO. 29 OF 2024
IN WP/1007/2023**

SWAMI SAMARTH SHIKSHAN VA PRASHIKSHAN
SANSTHATHROUGH ITS SECRETARY SHRI MOHAN
NIVRUTTIRAO BEGWADE

VERSUS

SHRI. ABHAY MAHAJAN

...

Advocate for the Petitioner : Mr. Nimbalkar Aniruddha A.

AGP for Respondent : Mr. G.A. Kulkarni

...

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

DATE : 05 MARCH 2024

PER COURT :

By the order of which implementation has been sought, Principal Secretary Social Justice and Special Assistance Department, the sole respondent herein, is to decide the Appeal preferred by the petitioner under Clause 7 (2) of the Handicap School Code 1997 on or before 31 March 2023.

2. In the affidavit-in-reply, in paragraph nos. 7 and 8, the stand being taken is as under :

“7. I earnestly which to bring to the kind notice of the Hon’ble Court that according to the powers conferred under the Right of Person with Disabilities Act 2016, the appeal against the decision of the Competent Authority i.e. Commissioner of Person with Disabilities, Maharashtra State, Pune against the order of revoking the Registration Certificate lies to the Head of the Department i.e. Minister in Charge of

the Department. Presently the Hon'ble Chief Minister of the State is holding additional charge i.e. head of the department of Persons with Disabilities Welfare.

8. *I say and submit that I am not the competent authority to hear and decide the appeal filed by the petitioner. I humbly say and submit that as a part of procedure the appeal proposals (including the petitioner's appeal) pursuant to the cancellation / revocation of Registration Certificate by Commissioner of Person with Disabilities, Maharashtra State, Pune have been forwarded to the office of Hon'ble Minister of the Department in order to get date and time for conducting hearing and taking decision thereon. After fixing the date and time, the appeals at the earliest, as per the directions and instructions of the Appellate Authority."*

3. Now, the Appeal has been pending with the learned Minister.

4. We dispose of the Contempt Petition by expecting the Minister to decide the Appeal as expeditiously as possible and in any case within four months.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]