

*JPP*

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION***

***WRIT PETITION NO. 4779 OF 2021***

Santosh Gopal Dive

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

***with***

***WRIT PETITION NO. 4780 OF 2021***

Tukaram Namdev Waghmare

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Ashok Tukaram Gade with Ms. Riya John for the Petitioners in both Petitions

Mr. M.M. Pabale, AGP for Respondent No.1

Ms. Chaitrali Deshmukh for the Respondent Nos. 2 to 4

***CORAM : NITIN JAMDAR &  
M.M. SATHAYE, JJ.***

***DATE : 04 JANUARY 2024***

**P.C. :-**

Heard the learned Counsel for the parties.

2. The Petitioner's mother was posted in the Health Department of Respondent No.2 – Corporation and she had worked

as a sweeper. The State of Maharashtra had appointed a Committee to look into the various issues faced by those who are engaged in the work of sweeping and a Committee known as Lad Committee had given various recommendations. One of them was any appointment to the legal heirs or such other eligible persons for appointment in place of an employee who was engaged in the work of sweeping.

3. The Petitioner had applied to be appointed in place of his mother who had taken voluntary retirement from the services of the Respondent No.2 – Corporation. The Petitioner's application was rejected on 6 June 2019 relying on the Government Resolution dated 11 March 2016. It was stated that the Petitioner did not fall in the definition of the eligible candidate as not belonging to the Scheduled Caste specified in the said Government Resolution.

4. The learned Counsel for the Petitioner submits that the ambit of the beneficial scheme introduced by the said State Government pursuant to the Lad Committee has been now extended to other communities as well, as per the Government Resolution dated 24 February 2023. According to the Petitioner, as per this Scheme, the Petitioner is entitled to be appointed.

5. The Petitioner's application was rejected based on the Government Resolution dated 11 March 2016. The Government

Resolution dated 24 February 2023 refers to subsequent deliberations by the Government and to take a comprehensive revised decision taking into consideration all other circulars and thereafter, the Government Resolution dated 24 February 2023 has been issued.

6. In the light thereof, we dispose of the Petitions quashing and setting aside the order dated 6 June 2019. The claim of the Petitioner stands restored to the file. The Respondent will consider whether the Petitioner's case is covered under the Government Resolution dated 24 February 2023 and take a decision as per law and within the parameters of the policy, within eight weeks from today.

*M.M. SATHAYE, J.*

*NITIN JAMDAR, J.*

JYOTI  
PRAKASH  
PAWAR

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by JYOTI  
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