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

WRIT PETITION NO. 4244 OF 2021

Balasaheb Dnyandeo Chavan

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Rajaram V. Bansode for the Petitioner

Mr. M.M. Pabale, AGP for the Respondent - State

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

DATE : 05 MARCH 2024

P.C. :-

The Petitioner has sought enforcement of an order passed by the Commissioner for Persons with Disabilities. The Petitioner was working with the State of Maharashtra. Though the Petitioner has stated that the Petitioner is suffers from physical disability, the question had arisen whether the Petitioner's appointment was in the reserved category or in the open category. The Commissioner for Persons with Disabilities had stated that even though the Petitioner's appointment could be stated to be in the reserved category, the Petitioner should be treated in the open

category and given all the benefits. This exercise, according to us is not in the context of the disability or enforcement of that right.

2. In view of this position and that the Petitioner was a government servant, the learned Counsel for the Petitioner states that as regard the Petitioner's pensionary benefits, the Petitioner will approach the Maharashtra Administrative Tribunal.

3. In the light thereof, keeping all contentions open, we dispose of the Writ Petition.

4. In case the issue of delay arise, the Maharashtra Administrative Tribunal will keep in mind that the Petition is pending in this Court.

M.M. SATHAYE, J.

NITIN JAMDAR, J.

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