



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

**WRIT PETITION NO.1819/2021**

**Manoj s/o Raghunath Godale**

**...Versus...**

**State of Maharashtra, Through its Secretary, Social Justice and Special Assistance Department, 1<sup>st</sup> Floor, Anne Building, Mantralaya, Mumbai and others**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders  
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Court's or Judge's orders  
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Mr. R.V. Gahilot, Advocate for petitioner  
Mr. N.R. Rode, AGP for respondent nos.1 to 4  
Mr. R.D. Karode, Advocate for respondent No.5  
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**CORAM : AVINASH G. GHAROTE AND  
SMT. M.S. JAWALKAR, JJ.**

**DATE : 14/10/2024**

1. Heard Mr. Gahilot, learned counsel for the petitioner. The genealogical tree, which is placed on record at page 34, is not in dispute, according to which, the respondent no.5 as well as the petitioner are the grandsons of one Kesarbai Channu Godale, who was employed as a Safai Kamgar with the TB Hospital, Buldhana. On account of her superannuation, the petitioner claims employment in her place on the recommendations of the Lad Committee. The petitioner in this regard claims to have made an application on 25/07/2005 (pg.35), the receipt of which is being denied by the respondent No.3.

2. In the meantime, the respondent no.5, who had also made an application in that regard on 29/07/2005 (pg.84) came to be appointed on 18/03/2021 as a Safai Kamgar, considering the vacancy created due to superannuation of Kesarbai Channu Godale. It is necessary to note that the respondent No.5 along with his application had filed the affidavits of his uncle Ratan Channu Godale (pg.86), Madan Channu Godale (pg.88) and Bansi Channu Godale (pg.92), who had given their no-objection for such appointment, however, the fact that there were other legal representatives, namely Raghunath, Rukhman, Kamlabai and Manglabai were not disclosed. The petitioner is the son of Raghunath son of Kesarbai Channu Godale, on account of which, he is equally situated as that of the respondent no.5 and therefore, was a person, who was equally eligible to be considered for the post of Safai Kamgar, on account of the superannuation of Kesarbai. It is clearly apparent that there are no affidavits or no-objections of Raghunath, Rukhman and other legal representatives of Kesarbai on record, in view of which, the authorities could not have acted upon the application of the respondent no.5 without ascertaining whether any other person was eligible to be considered in place of Kesarbai. It is, therefore, apparent that the employment granted to the respondent no.5 as a Safai Kamgar on account of superannuation of Kesaribai in terms of the Lad Committee recommendations, is clearly tainted by suppression of material facts as Mr. Karode, learned counsel for

the respondent no.5 does not dispute the genealogy at page 34 and the fact that the petitioner and the respondent no.5 are equally eligible, considering their relationship with Kesarbai.

3. In that view of the matter, the appointment order of the respondent no.5 as a Safai Kamgar with the respondent no.3 cannot be sustained and is hereby quashed and set aside. The respondent no.3 is directed to reconsider the entire issue in light of the rival claims of the petitioner and the respondent no.5 afresh and take an appropriate decision in that regard within a period four weeks from today.

4. The writ petition is disposed of in the aforesaid terms. No order as to costs.

(SMT. M.S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)