



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

WRIT PETITION NO. 6917/2024

Shri Vinayak Bahuudeshiya Gramin Vikas Sanstha, Digras
Vs.
State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. B. Patil, Advocate for Petitioner.
Mr. N. S. Rao, A.G.P. for Respondent Nos.1 to 3/State.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : 02/12/2024.

. The registration granted in favour of the petitioner - Society pursuant to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short, "the Act of 1995") came to be cancelled as recognition was withdrawn by respondent No.2 vide order dated 19.11.2019. Same has prompted the petitioner to prefer an appeal before the State Government pursuant to provisions of Section 53.

2. Such appeal was decided by the respondent No.1 - State Government vide order dated 10.06.2024 pursuant to the provisions of Sub-Section (2) of Section 53 of the Act of 1995 whereby the order of remand was passed.

3. The respondent No.2 – Commissioner passed a fresh order dated 10.07.2024 dismissing the appeal which was again challenged before the State Government.

4. The State Government has rejected the appeal on the ground that in earlier round of litigation, once the State Government has passed an order remanding the matter to the Commissioner, such order has attained finality and as such, against the fresh order of the Commissioner post remand, the appeal is not maintainable.

5. We have heard the respective Counsel including the learned A.G.P.

6. If we consider the scheme of Sections 52 and 53 of the Act of 1995, the fact remains that even if an order passed by the State Government remanding the matter to the Commissioner, such order of course attains finality qua the Act and not the proceedings. Once post remand, the Commissioner passes an order adverse to the interest of the petitioner, the statutory appeal provided under Sub-Section (2) of Section 53 of the Act of 1995 cannot be said to be barred and as such remedy of appeal is prescribed by statute and based on the cause of action accrued to the petitioner post the impugned order passed after the remand order of the State Government by the respondent No.2 - Commissioner.

7. In that view of the matter, we are of the view that the appeal preferred by the petitioner in view of the scheme of Sections 52 and 53 of the Act of 1995, is maintainable.

8. That being so, the order impugned dated 23.09.2024 is hereby quashed and set aside.

9. The appeal of the petitioner be restored on the file of the State Government.

10. The petitioner to appear before the State Government on 30.01.2025.

11. We expect the appeal of the petitioner be decided expeditiously and in any case, within a period of four months from the date of the appearance.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)