



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

WRIT PETITION NO. 3166 OF 2018

CHANDRAKANT PRABHAKARRAO KHANSOLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Mr. Sham B. Patil
AGP for Respondent No.1 : Ms. R. R. Tandale
...

**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 28-02-2025

PER COURT:-

1. Heard the learned counsel for the petitioners and the learned A.G.P. for the State.
2. The petitioners were claiming the appointment as Sweeper (Safai Kamgar) / Group D employees as per recommendations of Lad Page Committee and the Government Resolution dated 11.03.2016.
4. By the impugned communication dated 02.12.2017, the contesting respondent rejected their claim.
5. The learned counsel for the petitioners would submit that recently Government Resolution dated 24.02.2023 has been issued. In view thereof, the petitioners deserve the appointment in place of their relatives and parents. Therefore, the impugned communication is bad in law.

6. The learned A.G.P. for respondent No.1 submits that since the petitioners were not entitled pursuant to the Government Resolution dated 11.03.2016, they do not deserve the same.

7. Admittedly, the Government has taken a policy decision by the Government Resolution dated 24.02.2023 about the appointment of the persons like applicants. This policy would apply to the petitioners also.

8. The controversy regarding the definition of "Safai Kamgar", the eligibility for appointment by way of nomination has been set at rest. Therefore, the decision of the Hon'ble Supreme Court in the case of **Ahmednagar Mahanagar Palika vs. Ahmednagar Mahanagar Palika Kamgar Union, (2022) 10 SSC 172**, would not be an impediment in implementing Government Resolution dated 24.02.2023. The facts before the Hon'ble Supreme Court in that matter were altogether different.

9. In view of the Government Resolution dated 24.04.2023, the individual claim of the petitioners should be scrutinized objectively. In similarly situated matter i.e. in Writ Petition No. 3204 of 2023 with other petitions, this Bench, by order dated 08.01.2022, decided the issue and issued certain directions. We are of the opinion that there is no reason to take a contrary view for the reason that the earlier matters decided were identical. The said directions are applicable to present petitioners. Those should be

followed scrupulously. We, therefore, dispose of the writ petition by issuing the following directions :-

- (i) The appointments and claims to the post of Safai Kamgar shall be regulated by Government Resolution dated 24.02.2023 which shall be implemented by the Employers, Appointing Authorities or the Competent Authorities of the Establishments.
- (ii) The Appointing Authority, Employers, or the Competent Authorities of the Establishments shall conduct objective scrutiny of claims of the Petitioners expeditiously, in accordance with the Government Resolution dated 24.02.2023.
- (iii) The Petitioners shall be at liberty to submit their applications before the Appointing Authority, Employers or the Competent Authority of the Establishments, if not submitted earlier.
- (iv) The Appointing Authority, Employer, or the Competent Authority of the Establishments shall conduct objective scrutiny of the claims and extend the opportunity to submit relevant documents to the Claimant and decide the claims within six weeks from the date of receipt of the applications.
- (v) In case of rejection of the claims, it shall be open to resort to the remedy as is permissible in law.

8. The writ petition stands disposed of in the above terms.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE