



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

WRIT PETITION NO. 3204 OF 2023
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHER
VERSUS
GOROBA S/O RAM AARADWAD AND OTHERS

...
Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel
a/w Shri A.S. Shinde Addl. G.P. for the petitioners/ State.
Shri Baliram B. Shinde, Advocate for respondent Nos.1 and 2.
Shri A. S. Shelke, Advocate for the respondent/ intervenor.

...
WITH
CIVIL APPLICATION NO. 13121 OF 2024
IN WP/3204/2023
YASH SUSHILKUMAR GAIKWAD
VERSUS
STATE OF MAHARASHTRA THROUGH SECRETARY
MINISTRY OF SOCIAL JUSTICE AND SPECIAL
ASSISTANCE DEPARTMENT

...
Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel
a/w A.S. Shinde Addl. G.P. for the respondents / State.
Shri B.B. Shinde, Advocate for the original respondent Nos.1 and
2 in WP.
Shri A.S. Shelke, Advocate for the respondent/ intervenor.

...
With
CIVIL APPLICATION NO.13331 OF 2024
IN WP/3204/2023
PANDURANG VHANMANE
VERSUS
STATE OF MAHARASHTRA

...
Shri. Baliram B. Shinde, Advocate for applicant
Shri. V.D. Sapkal, Sr. Advocate appointed as special counsel a/w
Shri. A.S. Shinde Addl. G.P. for Respondent/State
Shri A.S. Shelke, Advocate for intervenor.

...
WITH

WRIT PETITION NO. 2054 OF 2022
SUNIL NIVRATTI WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

WITH
WRIT PETITION NO. 2042 OF 2022
SACHIN RAMESH SONWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

WITH
WRIT PETITION NO. 13039 OF 2023
SANDEEP POPATRAO PACHUNDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
ADDITIONAL CHIEF SECRETARY AND OTHERS

...

WITH
CIVIL APPLICATION NO. 13074 OF 2024
IN WP/2042/2022
SACHIN RAMESH SONWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

WITH
CIVIL APPLICATION NO. 13073 OF 2024
IN WP/2054/2022
SUNIL NIVRATTI WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

WITH
CIVIL APPLICATION NO. 13075 OF 2024
IN WP/13039/2023
SANDEEP POPATRAO PACHUNDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
ADDITIONAL CHIEF SECRETARY AND OTHERS

WITH

CIVIL APPLICATION NO.173 OF 2025
IN WP/14205/2023

GOPAL SARPATE
VERSUS
STATE OF MAHARASHTRA
Shri Salgare Vitthal G., Advocate for the petitioners/ applicants.
Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel
a/w Shri A.S. Shinde Addl. G.P. for the respondents / State.
Shri Tele Dattatraya V., Advocate for respondent No.2.
Shri. Sanket A. Jadhav Advocate h/f Ms.Dube (Bajpai) Anjali,
Advocate for respondent Nos.3 and 4.

...
WITH
WRIT PETITION NO. 5365 OF 2023
SUSHILA EKNATH KASAB AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS

...
Shri Mahajan Sandeep Y., Advocate for the Petitioners.
Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel
a/w Shri A.S.Shinde Addl. G.P. for the respondents / State.

...
WITH
CIVIL APPLICATION NO.69 OF 2025
IN WP/5365/2023
SUSHILA KASAB AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Shri. S.Y. Mahajan, Advocate for applicant
Shri. V.D. Sapkal Sr. Advocate appointed as special counsel a/w
Shri. A.S. Shinde Addl. G.P. for Respondent/State
Shri. D.V. Tele, Advocate for Repondent No.3

...
WITH
WRIT PETITION NO. 3950 OF 2023
KAILASH MAROTI RAJKAUR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS
Shri Kurundkar Sunil V., Advocate for the Petitioners.
Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel

a/w Shri A.S. Shinde, Addl. G.P. for the respondents / State.
Shri Revan P. Bhumkar, Advocate for respondent No.6.

...
WITH

WRIT PETITION NO. 4363 OF 2023

THE STATE OF MAHARASHTRA

VERSUS

GAUTAM ASHOK JADHAV

Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel
a/w Shri A.S. Shinde, Addl. G.P for the petitioner / State.
Shri Harish S. Bali, Advocate for the sole Respondent.

...
WITH

WRIT PETITION NO. 14205 OF 2023

GOPAL KISHANRAO SARTAPE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS
ADDITIONAL CHIEF SECRETARY AND OTHERS

...
Shri Salgare Vitthal G., Advocate for the Petitioner.
Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel
a/w Shri A.S. Shinde, Addl. G.P for the respondents / State.
Shri D.V. Tele, Advocate for Respondent No.2.
Shri R.K. Ingole, Advocate for Respondent Nos.3 and 4.

...
WITH

WRIT PETITION NO.10322 OF 2023

SUNIL CHITTE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA

...
WITH

WRIT PETITION NO. 10323 OF 2023

SUNIL NALAWAD AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA

Shri. A.R. Borulkar, Advocate for petitioner in both writ petition
Shri. V.D. Sapkal, Sr. Advocate appointed as special counsel a/w
Shri. A.S. Shinde Addl. G.P. for Respondent/State

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

DATE : 08 JANUARY 2025

PER COURT :

. Heard the litigating sides.

2. These petitions pertain to the appointments to the post of Sweepers (Safai Kamgars) following the recommendations of Lad Page Committee and various Government Resolutions.

3. Writ Petition No.3204/2023 is emanating from the judgment and order passed by Maharashtra Administrative Tribunal, directing that the Respondent No.1 therein, should be given appointment on a compassionate ground. In Writ Petition No.3950/2023, the directions are solicited for implementation of Government Resolution dated 24.02.2023 which is the latest policy operating in the field. In remaining petitions, directions are solicited against the Respondents for appointing the Petitioners on the posts of Safai Kamgars with different establishments.

4. Learned Counsel Mr. Sunil Kurundkar appearing for the Petitioner, the learned Senior Counsel Mr. V.D. Sapkal appearing as a Special Counsel in Writ Petition No.3204/2023 and other Counsels are unanimous that Government Resolution dated 24.02.2023 is the latest policy governing the field. All aspects are covered by the policy including definition of 'Safai Kamgar', eligibility for the appointment, modality to be followed while making appointment etc. There is no dispute that the policy has

to be implemented. Government Resolution dated 24.02.2023 has not been challenged in any of these petitions. It has been clarified in the Resolution itself that earlier resolution and circulars have been superseded and a consolidated scheme has been laid down. In view of this position, the ends of the justice would be met by directing the litigating sides to implement the latest policy.

5. The State of Government has come out with comprehensive policy Government Resolution dated 24.02.2023. The controversy regarding the definition of Safai Kamgar or the eligibility for the appointment by way of nomination have been set at rest. The decision of the Supreme Court in the matter 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 Honourable Supreme Court in that matter are different.

6. We expect the appointing authorities of the establishments should follow Government Resolution dated 24.02.2023. The individual claims should be considered objectively. We are therefore passing following directions in all petitions :

(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 Authorities, Employers, or the Competent Authorities of the Establishments shall conduct objective scrutiny of individual claims of the Petitioners expeditiously in accordance with the Government Resolution dated 24.02.2023.

(iii) The Petitioners or the Intervenors shall be at liberty to submit their applications before the Appointing Authorities, Employers or the Competent Authorities of the Establishments, if not submitted earlier.

(iv) The Appointing Authorities, Employers, or the Competent Authorities of the Establishments shall conduct objective scrutiny of the claims and extend the opportunity to submit relevant documents to the Claimants and decide the individual claims within period of 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 permissible in law.

7. All Writ Petitions and Applications filed therein, are disposed of in above terms.

[SHAILESH P. BRAHME]
JUDGE

[S.G. MEHARE]
JUDGE

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