



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

**WRIT PETITION NO.13085 OF 2023
WITH
CIVIL APPLICATION NO.4561 OF 2024
IN WP/13085/2023**

**BRILLIANT TECHNICAL INSTITUTE BEMBLI THROUGH ITS PRESIDENT
VERSUS**

1. THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY SOCIAL JUSTICE AND SPECIAL ASSISTANT DEPT. MANTRALAYA, MUMBAI – 32
2. THE COMMISSIONER OF HANDICAPPED, MAHARASHTRA STATE, PUNE
3. THE DISTRICT SOCIAL WELFARE OFFICER, GRADE-I, ZILLA PARISHAD, OSMANABAD TQ. & DIST. OSMANABAD

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Advocate for the Petitioner : Mr. Mohekar Ganesh V.
AGP for Respondents No.1 and 2 : Mr. Amar V. Lavte
Special counsel for State : Mr. S.V. Adwant
Advocate for Respondent No.3 : Mr. V.D. Patnurkar
Advocate for Intervenor : Mr. Deshpande Gaurav L.

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WITH

WRIT PETITION NO.13104 OF 2023

**UDAYGIRI YUVAK MITRA-MANDAL, NAWANDI, TQ. UDGIR, DIST.
LATUR THR. ITS SECRETARY ROHIDAS S/O BALWANT MADLE**

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY, SOCIAL JUSTICE AND SPECIAL ASSISTANT DEPT. MANTRALAYA, MUMBAI – 32
2. THE COMMISSIONER OF HANDICAPPED, MAHARASHTRA STATE, PUNE
3. THE DISTRICT SOCIAL WELFARE OFFICER, GRADE-I, ZILLA PARISHAD, NANDED TQ. & DIST. NANDED

...

Advocate for the Petitioners : Mr. Mohekar Ganesh V.
AGP for Respondents No.1 and 2 : Mr. Amar V. Lavte
Special counsel for State : Mr. S.V. Adwant
Advocate for Respondent No.3 : Mr. S.B. Pulkundwar

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**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 05.03.2025

PER COURT:

We have heard both the sides in both these petitions.

2. The petitioners are similarly placed institutions running special schools and are coming with similar prayers which are as under :

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B. By issuing writ of mandamus or any other appropriate writ or order or direction like in the nature, the third respondent may kindly be directed to grant an approval to 05 posts i.e 2-teaching & 3-non teaching staff members i.e. 2-Special Teachers & 3-posts of i.e. 1 - Safaigar, 1- Medical Officer (Honorarium) & 1- Para Medical Officer appointed in the Shree Siddharam Mhetre Matimand Mulanchi Nivasi Shala, Bembli road, Ambewadi Tq & Dist Osmanabad run by the petitioner in view of the proposal dated 17.04.2023 submitted towards third Respondent.”

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“B. By issuing writ of mandamus or any other appropriate writ, order or direction like in the nature, the respondents may kindly be directed, to grant approval to the 01-one, non teaching staff member on the post of Para Medical Officer, Physiotherapist, (Hostel) appointed in the physically handicap school i.e. Nivasi Apang Vidyalaya, (Koutha) Asarjan, Tq. & Dist. Nanded run by the petitioner institution.”

3. The learned advocates for the respondents are not comfortable when we indicated that considering the prayers being made, we would simply be directing respondent No.3 to take appropriate decision/undertake the process, as is permissible in law, and even the

learned advocate for the intervenor who claims to have been appointed by the petitioner from Writ Petition No.13085/2023 is raising an objection. In our considered view, the prayers are innocuous and simply call upon respondent No.3 to take appropriate decision in accordance with law. Needless to state that we are not called upon to decide the conflicting rights between the employees for whose appointments approvals have been sought and the intervenor or somebody else. Similarly, even submission of the learned advocates for respondent No.3 is that there were no vacancies when the individuals were appointed by the petitioners, cannot be comment upon. It would be for respondent No.3 to take appropriate decision in accordance with law.

4. We dispose of both the writ petitions directing respondent No.3 to consider the proposals of the petitioners (in Writ Petition No.13085/2023; at page No.49 and Writ Petition No.13104/2023; at page No.35 respectively), on their own merits, as expeditiously as possible and in any case within eight weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

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