



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13321 OF 2025

Amol Chatrabhuj Gore
Age: 44 years, Occu.: Nil,
R/o. Neknur, Tq. And Dist. Beed.

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai-32.
2. The Commissioner,
For person with disabilities,
Maharashtra State, Pune.
3. The Director,
Social Welfare, M.S. Pune
4. The Chief Executive Officer,
Zilla Parishad, Beed.
5. The District Social Welfare Officer,
Zilla Parishad Beed.
6. The President/Secretary,
Parivartan Sevabhari Sanstha, Neknur,
Tq. And Dist. Beed.
7. The Principal,
Asthivyangya Nivasi Vidyalaya,
Neknur, Tq. And Dist. Beed.

.. Respondents

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Mr. Suvidh S. Kulkarni, Advocate for the petitioners.
Mr. S. K. Tambe, AGP for the respondent No.1.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 10 NOVEMBER 2025

ORDER :

. Present petition has been filed for following reliefs :-

“B. That, this Hon’ble Court may please to issue necessary writ, order, or direction in like nature and direct the respondent No.4 to 7 to decide the representation tendered by the petitioner dated 23.06.2025 as expeditiously as possible.

C. That, this Hon’ble Court may please to issue necessary writ, order, or direction in like nature and direct the respondent No.4 to 7 to implement and execute the order passed by this Hon’ble Court in W.P. No.4626 of 2017 dated 07.03.2018.

D. That, this Hon’ble Court may please to issue necessary writ, order, or direction in like nature and direct the respondent Nos.4 to 7 to release the salary of the petitioner from the date of the order passed by this Hon’ble Court in W.P. No.4626 of 2017 dated 07.03.2018.”

2. Heard learned Advocate for the petitioner and learned AGP for respondent No.1. There is no necessity to issue notice to respondent Nos.2 to 7.

3. The facts giving rise to the petition are that respondent No.6 is the registered Trust, which is running Asthivyang Niwasi Vidyalaya, Neknoor, Taluka and District Beed in view of permission granted by respondent No.3. Respondent No.2 has permitted the process of admission of students on grant as well as on non grant basis by issuing communication to respondent No.6. The post of physiotherapist was vacant in respondent No.7 School. Respondent No.6 Trust decided to fill up the same. After adopting due procedure, the petitioner came to be appointed. The petitioner's appointment was approved, however, respondent No.4 by issuing notice in the form of order dated 07.03.2017 to the petitioner and respondent No.6 cancelled the appointment of the petitioner in view of the decision in Writ Petition Nos.5744 of 2003 and 46 of 2004 as well as the Circular dated 05.07.2005. The said order was in violation of principles of natural justice. It came to be challenged by filing Writ Petition No.4626 of 2017 by the petitioner. Upon hearing the parties, this Court vide order dated 07.03.2018 quashed and set aside the said order of respondent No.4 dated 07.03.2017. It was also stated that if the respondents want to take action against the appointment of the petitioner, then the petitioner should be heard before passing such order and if the approval granted in favour of the petitioner is in force, then the respondents are liable to pay salary to the petitioner.

4. The petitioner contends that the respondent authorities had not taken pains to abide by the order passed by this Court and due to the pandemic situation from 05.03.2020, the petitioner was not able to prosecute his grievance. Thereafter, he has approached respondent Nos.4 and 5 time and again for the implementation of the order. He had also tried to be heard by respondent No.3, however, his prayers have been fallen on the deaf ears. He has then tendered representation on 23.06.2025 to respondent Nos.4 to 7, which has not been considered and hence, this petition.

5. It is to be noted that the present petitioner's earlier petition i.e. Writ Petition No.4626 of 2017 was in a way partly allowed. His termination was quashed and set aside. That means, he was supposed to be taken for the employment upon the said decision. There is no communication or documentary evidence produced by the petitioner that after the order was passed by this Court on 07.03.2018, he had tried to resume the charge of his post. The explanation that has been tried to be tendered in paragraph No.10 is vague and without any documentary evidence. Further, while making submissions, it has been stated that somewhere in 2019, the name of the present petitioner has also been removed from the roster. Thus, the said action appears to have been taken after the order passed by this Court

on 07.03.2018, which appears to be the otherwise termination for which the remedy is elsewhere. When this fact has appeared, upon instructions, learned Advocate for the petitioner, in presence of the petitioner, prays for withdrawal of the petition with liberty to exhaust the alternative remedy.

6. In view of the said statement and the facts of the case that though the earlier order, which was in favour of the petitioner, was not implemented by respondent Nos.6 and 7 and they have taken a different course, the writ petition stands disposed of as withdrawn with liberty to exhaust the alternative remedy, which should be decided by the competent authority upon its own merits.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm