



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

WRIT PETITION NO. 11771 OF 2023

THE STATE OF MAHARASHTRA THROUGH SECRETARY, WOMEN AND
CHILDREN DEVELOPMENT DEPARTMENT
VERSUS
NAMDEV RAMKISAN KUTE

...
AGP for the Petitioner : Mr. A. S. Shinde
Advocate for Respondents : Mr. P. P. More
...

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

DATE : 28-02-2025

PER COURT:-

1. Mr. More, learned counsel has instructions to appear for the respondents.
2. Heard both sides finally.
3. The petition pertains to appointment on the post of Sweeper (Safai Kamgar) based on the recommendations of Lad Page Committee and the Government Resolutions.
4. The State has impugned the judgment and order of the Maharashtra Administrative Tribunal passed in Original Application No.216 of 2022 dated 24.01.2023.
5. The respondents have claimed that they deserve appointment in view of the recommendations of Lad Page Committee and various Government Resolutions. The impugned order is free from errors and irregularities.

6. However, the learned A.G.P. submits that the reasons recorded by the learned Maharashtra Administrative Tribunal are not in consonance with the facts of the case. The controversy regarding the definition of "Safai Kamgar", the eligibility for appointment by way of nomination has been set at rest. The decision of 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 are altogether different.

7. Considering the facts and circumstances of the case, we are of the opinion that the appointing authorities should follow Government Resolution dated 24.04.2023. The individual claim should be considered objectively. In similarly situated matter i.e. in Writ Petition 3204 of 2023 with other petitions, this Bench, by order dated 08.01.2022, decided the matter and issued certain directions. There is no reason to take contrary or different view for the reason that the earlier matters decided were identical. These directions are applicable to present matter also and shall be followed scrupulously. We are, therefore, issuing the following directions :-

- (i) The appointment and claim 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 claim of the Petitioner expeditiously, in accordance with the Government Resolution dated 24.02.2023.
- (iii) The Petitioner shall be at liberty to submit his application before the Appointing Authority, Employer 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 claim within period of six weeks from the date of receipt of the application.
- (v) In case of rejection of the claim, it shall be open to resort to the remedy as permissible in law.

8. The writ petition is dismissed.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE