

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

955 WRIT PETITION NO.12001 OF 2024

Aadhar Andh Apang Matimand Sevabhavi Punarwasan Kendra
Through Its Vice President
Mrs. Amtul Kareem Talat Farooqui

Versus

The State of Maharashtra
Through Its Secretary And Others

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Shri. S. S. Thombre, Advocate for the Petitioner
Shri. A. A. A. Khan, AGP for Respondent Nos.1 to 4
Ms. V. A. Shinde (More), Advocate for Respondent No.5

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CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : JUNE 10, 2025

PER COURT :-

- . Heard both the sides. Perused the documents on record.
2. The Petitioner, which is the Society registered under the Bombay Public Trusts Act, 1950 as well as under the Societies Registration Act, 1860, was issued the registration to run the institution for persons with disabilities. The said registration was revoked by the order dated 01.06.2011 by Respondent No.3. The Petitioner preferred the Appeal before Respondent No.1 – State Government in the year 2011 under Section 54 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as the ‘Act of 1995’). By the impugned Order dated 07.10.2024, the Appeal came to be dismissed by holding that it does not

come within the purview of Section 54 of the Rights of Persons with Disabilities Act, 2016 (for short, 'Act of 2016').

3. It is submitted by the learned Advocate for the Petitioner that the Appellate powers and provisions are *peri materia* in both the Acts i.e. Act of 1995 and Act of 2016. He submits that the Appeal preferred by the Petitioner was dismissed by the concerned Appellate Authority by holding that it had no jurisdiction to decide the Appeal. He submits that the impugned Order may be quashed and set aside and the matter may be remanded back to Respondent No.1 for decision afresh in accordance with law.

4. The learned AGP appearing for the Respondent / State submits that the Appeal was preferred under the old Act of 1995 and the Appellate Authority has considered the same under the new Act of 2016. He further submits that, Respondent No.1 – Secretary, is the very authority appointed by the State Government to entertain and decide the Appeal. It is submitted that appropriate orders be passed.

5. The Provisions of Section 54 of the Act of 1995 reads as under :

“54. Appeal .-(1) Any person aggrieved by the order of the competent authority refusing to grant a certificate or revoking a certificate may, within such period as may be prescribed by the State Government, prefer an appeal to that Government against such refusal or revocation.

(2) The order of the State Government on such appeal shall be final.”

6. Similarly, the provisions of Section 53 of the Act of 2016 in respect of Appeal reads as under :

“53. Appeal.—(1) Any person aggrieved by the order of the competent authority refusing to grant a certificate of registration or revoking a certificate of registration may, within such period as may be prescribed by the State Government, prefer an appeal to such appellate authority, as may be notified by the State Government against such refusal or revocation.

(2) The order of the appellate authority on such appeal shall be final.”

7. Considering the above referred Provisions of the Acts, the impugned Order dated 07.10.2024 passed by the Appellate Authority is unsustainable and the same is quashed and set aside. The matter is remanded back to Respondent No.1 for consideration afresh and decision in accordance with law by considering the provisions of Section of the Act of 1995 under which the Appeal was filed. The Respondent No.1 - Appellate Authority shall decide the Appeal within a period of six (6) weeks from the date of receipt of this Order. Petition stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP