



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

WRIT PETITION NO. 1099 OF 2020

Rahul Suresh Thaware

Age : 25 yrs, occ : Nil

R/o Fatema Nagar, Near Kaikadi

Galli, Sadar Bajar, Ambajogai,

District Beed

Petitioner

Versus

1. The State of Maharashtra
Through Principal Secretary,
Social Justice and Special
Assistance Department,
Mantralaya, Mumbai.

2. The Director,
Medical Education and Research,
Government Dental College and
Hospital Building, St. George's
Hospital Compound, Near C.S.T.
Mumbai.

3. The Dean,
Swami Ramanand Teerth Rural
Medical College and Hospital,
Ambajogai, District Beed

Respondents

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Mr. Ashok R. Tapse, Advocate for the petitioner.

Mr. S.R. Yadav-Lonikar, A.G.P. for respondent Nos.1 to 3.

...

**CORAM : S.G. MEHARE &
SANDIPKUMAR C. MORE, JJ.**

DATED : 20 MARCH 2025

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard
finally by the consent of the parties.

2. The petitioner's claim appointment as Safai Kamgar following the recommendations of Lad Page Committee, was rejected in view of the Government Resolution dated 10.11.2015. The petitioner had challenged the decision of the contesting respondent before the learned Maharashtra Administrative Tribunal (MAT). The learned MAT, by order dated 22.04.2019 held that the Government Resolution dated 11.03.2016 is constitutional and the benefit was correctly rejected. Against the said judgment and order, the petitioner appeared before this Court.

3. The learned Counsel for the petitioner submits that the Government has passed resolution dated 24.02.2023 whereby all the earlier government resolutions involving entitlement or employment on the basis of Lad Page Committee have been superseded. He would submit that pursuant thereto this Court took a view in various matters and directed the Authorities to conduct objective scrutiny of individual claims in accordance with the Government Resolution dated 24.02.2023.

4. The learned A.G.P. would submit that whether Government Resolution dated 24.02.2023 covers the claim of the petitioner, is a matter of minute scrutiny. Therefore, no blanket benefit could be granted as prayed for.

5. Admittedly, the earlier Government Resolution dated 11.03.2016 was in force to determine the criteria for the benefit under Lad Page Committee. Recently the Government, by taking overall view, passed the Government Resolution dated 24.02.2023. The controversy regarding definition of 'Safai Kamgar' or eligibility for appointment by way of nomination has been set at rest. The decision of the Hon'ble Supreme Court in the matter of *Ahmednagar Mahanagar Paliks vs Ahmednagar Mahanagar Palika Kamgar Union; (2022) 10 SSC 172* is not an impediment in implementing the Government Resolution dated 24.02.2023. The facts before the Hon'ble Supreme Court in that matter were different. Now the eligibility for appointment by nomination and definition of Safai Kamgar has been set at rest by the Government Resolution dated 24.02.2023. Therefore, we expect the appointing authorities of the establishment should follow the Government Resolution dated 24.02.2023. Further, the claim of the petitioner cannot be accepted outrightly. There would be objective scrutiny of his claim by the appointing authority of the establishment.

6. The Co-ordinate Bench of this Court (to which Justice S.G. Mehare was the Member) in Writ Petition No.3204 of 2023, State of Maharashtra vs Goroba Ram Aaradwad and

others and other writ petitions by order dated 08.01.2025, took a view that appointing authority should follow the Government Resolution dated 24.02.2023 with liberty to conduct objective scrutiny. The issue involved in those petitions and the case at hand is identical. Hence, we follow the same course and pass the following order.

ORDER

- (i) Writ Petition is allowed.
- (ii) The impugned order dated 16.03.2016 of the Appointing Authority and the judgment and order of the learned Maharashtra Administrative Tribunal dated 22.04.2019 in OA No. 640/2016 stand quashed and set aside.
- (iii) The appointment and claim of the petitioner to the post of Safai Kamgar shall be regulated by Government Resolution dated 24.02.2023. It shall be implemented by the Employer, Appointing Authority or the Competent Authority of the Establishment.
- (iv) The Employer, Appointing Authorities or the Competent Authority of the Establishment shall conduct objective scrutiny of individual claim of the petitioner expeditiously in accordance with the Government Resolution dated 24.02.2023.

- (v) The petitioner shall be at liberty to submit his application before the Appointing Authority, Employer, or the Competent Authority of the Establishment, if not submitted earlier, within a month from today.
- (vi) After such application is received or whether the application is already pending, the Appointing Authority shall extend an opportunity to the petitioner to submit relevant document and decide the claim of the petitioner within six weeks thereafter. In case of rejection of the claim, it shall be open to resort to the remedy as permissible in law.

7. Rule made absolute accordingly. No order as to cost.

(SANDIPKUMAR C. MORE)
JUDGE

(S.G. MEHARE)
JUDGE