



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

921 WRIT PETITION NO. 689 OF 2025

**THE STATE OF MAHARASHTRA THR PRINCIPAL SECRETARY AGRICULTURE
AND ADF DEPARTMENT MANTRALAYA MUMBAI**

VERSUS

VISHAL ASHOK DHOLE

.....

AGP for the Petitioner/State : Mr. A.S.Shinde

Advocate for Respondent No. 1 : Mr. Mahesh P. Kale and Mr. K.G.Salunke

...

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

DATE : 15 JANUARY 2025

PER COURT :

. Heard learned AGP for the State. The government has impugned the order of Maharashtra Administrative Tribunal (in short 'MAT') dated 25.06.2024 alongwith petition holding him ineligible to the appointment in the capacity of 'Divyang Category Candidates.

2. Learned AGP would submit that certificate produced by the petitioner was of temporary disability. Certificate obtained from Sir J.J. Hospital was also not crystal clear to form an opinion that the respondent was suffering the Permanent Mental Disability. He was shown as Mentally Disabled more than 40%. That is not a permanent disability. Some disabilities are curable. Hence he is not entitled to be appointed in the category of Physically and Mentally challenged candidates. He would submit that impugned order is apparently against the settled proposition of law. The certificate of the Sir J.J.

Hospital has been incorrectly interpreted. Hence the impugned order may be stayed.

3. Learned counsel for the contesting respondents appearing on caveat submitted that findings of learned Maharashtra Administrative Tribunal (in short 'MAT') are not in tune with the submission of the government itself. The government itself has called for the report under its capacity to verify the disabilities. Therefore the learned tribunal has correctly recorded that the certificate issued by Sir J.J. Hospital which mentions that respondent no. 1 was eligible to the disability quota. The petitioner have no case for stay.

4. Though the order was passed no appointment has been issued to the respondent no. 1. Hence, the petitioner does not deserve any interim protection.

5. After considering the impugned order and submissions of the respective counsels and after having gone through the certificate issued by Sir J.J. Hospital, prima facie it appears that the disability certificate issued by Sir J.J. Hospital is silent about the nature of the disability i.e whether it is temporary or permanent. The requirement as per the advertisement was that the person should have a permanent disablement. In view of the matter we grant the interim stay to the impugned order on the condition that the petitioner should keep the post vacant to which respondent no. 1 is has been selected.

6. Issue notice to the respondents, returnable on 26.02.2025.

7. Learned counsel Mr.Kale waives service of notice for respondent no.1.

[SHAILESH P BRAHME, J.]

[S. G. MEHARE, J.]

vsj..