

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7784 OF 2024

Sanjay Bhavsingh Patil

.....Petitioner

Vs.

The State of Maharashtra and Anr.

....Respondents

Mr. Sachin Gite for the Petitioner.

Mr. P. P. Kakade Addl. G. P a/w V. M. Mali, AGP for the State.

Mr. Rohit Sukhadeo for the Respondent No.2.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 30th JANUARY, 2025

P.C. :-

1. Heard the learned Advocates for the respective sides and the learned Additional Government Pleader on behalf of the State.

2. Normally, the Courts are extremely slow in interfering with the orders of the suspension, if the competent Authority has exercised the power duly vested in it by law. However, in cases where the suspension order is issued by an Incompetent Authority, or such order cannot be justified, that this Court has interfered in

suspension orders.

3. The case before us is quite peculiar. The Petitioner claims to be suffering from 40% visual impairment. He submits that his first certificate is of 2009, wherein, he was found to be suffering from visual impairment to the extent of 40% disability. He is diagnosed to be suffering from BE Myopia with Macular Degeneration. He has produced one certificate dated 10th September, 2015 issued by the Competent District Court empowered to issue a disability certificate. The said certificate indicates that he suffers the disability of visual impairment affecting both eyes, though the condition is non-progressive. At the same time, the said Medical Authority has observed that his condition is not likely to improve. The Committee was comprising of three members out of which one is an Ophthalmic Surgeon.

4. The Superintendent of Sir J J Group of Hospitals had addressed a letter directly to the Block Development Officer of Panchayat Samiti Dindori, dated 15th June, 2018. The Medical report of the Petitioner is attached to the said communication, which is dated 15th June 2018. The report indicates that the Petitioner was

examined on 14th June, 2018 by a Committee comprising of the Chairman, and two Members of the Standing Medical Board of Sir. J J Group of Hospitals. His percentage of permanent blindness was recorded at 40%.

5. However, the learned Advocate representing the Zilla Parishad has tendered an Additional Affidavit dated 29th January, 2025 from page Nos. 107 to 120. During the course of the hearing of the matter, he was instructed on the basis of a compilation of documents to inform the Court that on 3rd July 2018, the same three members of the Standing Medical Board of the Sir J J Group of Hospital has issued a Certificate stating that the vision of the Petitioner is perfect and he suffers from 0 % blindness. This indicates that this Certificate issued by the same Standing Medical Board is contrary to the certificate dated 15th June, 2018 issued by the same medical Board.

6. The above situation intrigues us. If both these certificates are genuine, it shocks our judicial conscience that the same Standing Medical Board has issued two Certificates which are 18 days apart and which are diagonally opposite to each other. The

learned Advocate, therefore, tenders the photostat copy of the document dated 3rd July 2018 which is marked as 'X-1' for identification.

7. For this Reason, we direct the Petitioner to add the Chairman of the Standing Medical Board Sir J. J. Group of Hospital as Respondent No.3. Addition to be carried out forthwith.

8. **Issue notice to the added Respondents**, returnable on **17th February 2025**. The learned Additional Government pleader waives service of notice of behalf of the added Respondent and seeks time to take instructions.

9. We, therefore, expect the learned Additional Government pleader to ensure that a short affidavit explaining this situation is filed in this Court, on or before 10th February, 2025. List this Writ Petition in the urgent orders category on **17th February 2025** on the supplementary board.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)