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

WRIT PETITION NO. 17568 OF 2025

Kiran Vishnu Ghadage & Ors. ... Petitioners
Versus
The State of Maharashtra
Thro. The Secretary & Ors. ... Respondents

Mr. Suresh Pakale, Senior Advocate a/w Mr. Nilesh Desai i/by Ms. Padmaja Malgaonkar, Advocate for the Petitioners.

Mr. P. P. Kakade a/w Mr. V. G. Badgujar, AGP for Respondent Nos. 1 to 5.

Mr. Ashwin Kapadnis, Advocates for Respondent Nos. 6 & 7.

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

DATE : 24th DECEMBER, 2025

P.C. :

1. An order passed at the Kolhapur Bench dated 19.12.2025, in WP No. 10270 of 2025 and connected matters, is cited before us.

2. These Petitioners were medically examined under the Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995 and the Rules of 1996 when they were participating in the selection process. After such medical examination, they were inducted into service. Subsequently, the Rights of Persons

with Disabilities Act, 2016 and the Rules of 2017, have been introduced. These Persons are now called upon to subject themselves to re-medical examination.

3. The learned Additional Government Pleader clarifies that this re-examination is only to the extent of assessing whether the disability or the illness is degenerative / progressive or curable. There are some employees who developed disabilities on account of unforeseen circumstances / accidents etc. after joining duties.

4. At the Benches of this Court at Nagpur, Aurangabad and Kolhapur, the services of the Petitioners have been protected, notwithstanding that they are directed to subject themselves to medical examination. We are, therefore, granting the same relief to this Petitioner.

5. **Issue notice** to the Respondents, returnable on **28th January, 2026**. The learned Additional GP waives service of notice on behalf of Respondent Nos. 1 to 5 and Mr. Ashwin Kapadnis waives service on behalf of Respondent Nos 6 & 7. The service of the Petitioner would stand protected.

6. Let Affidavit-in-Reply be filed and pleadings be completed within 10 days prior to the returnable date.

7. All office objections shall be removed, on or before 19th January 2026, failing which, this Petition would stand dismissed without reference to the Court, on 20th January, 2026.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)