



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 5992 OF 2024

(Ravindra s/o Tukaram Bagde and ors Vs. State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.S. Meshram, Advocate for petitioners.

Mr. P.P. Pendke, AGP for respondent Nos. 1, 1,3 and 4/State.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 27-01-2025

The petitioners, who were employed in various posts with the Gram Panchayat, Kanhan Pimpri, upon its conversion to Nagar Parishad, finding that there were several posts of Safai Kamgar available and the earlier Safai Kamgar were absorbed in the Gram Panchayat made a representation to the Nagar Parishad for being absorbed in post of Safai Kamgar. This was recommended by the Administration by its communication 29.9.2021 (page 55) to the Commissioner of Municipal Council administration. Since nothing was forthcoming in pursuance thereto Writ Petition No 4040/ 2022 was filed before this Court in which by an order dated 30.11.223 it was directed that since some other employees, who were earlier employed with Gram Panchayat have now been absorbed with the Municipal Council Kanhan after relaxing eligibility condition, the respondent No. 3 therein was therefore, directed to consider the said aspect and take appropriate decision within a period of two weeks from the date of receipt of the proposal. The respondent No. 3 by the impugned communication 22.12.2023 has rejected the said proposal (page 63).

2. We however find, that the recommendation dated

29.9.2021 (page 55), was never considered by the respondent No 3 as is reflected, from the references in the impugned communication dated 22.12.2023. That apart, the judgment of this court dated 30.11.2023 was in reference to the question of relaxing eligibility conditions, which considering the recommendation dated 29.9.2021 was regarding the educational qualifications. The impugned communication merely rejects the claim of the petitioners, on the ground, that the eligibility for being appointed as a Safai Kamgar was 7th standard pass and since the petitioners did not possess that the same could not be considered. It however does not consider that on an earlier occasion, the educational criteria for being appointed as Safai Kamgar already stood relaxed which is indicated by the communication dated 18.1.2016 and specifically schedule A thereto. It was therefore, necessary, for respondent No. 3, to have given reasons, for rejecting the claim of the petitioners, based upon the issue of relaxation. We however find that the impugned communication does not delve into this subject at all, in view of which the same cannot be sustained and is hereby quashed and set aside and the matter is remitted back to respondent No. 3 to consider the recommendation dtd. 29.9.2021 (page 55) in light of the judgment of this court dated 30.11.2013, in the background of the order dated 18.1.2016 (page 38-A). The petition is accordingly partly allowed. Needless to state that the decision shall be taken by respondent No. 3 within a period of 3 weeks from today by recording appropriate reasons for such decision.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)