



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

CIVIL APPLICATION (CAW) NO. 1303 OF 2025

IN

WRIT PETITION NO. 8001 OF 2019

1. Pawan Ramkrushna Gawande,
Aged about 35 Years, Occupation : Teacher,
R/o. Vasant Nagar, Manora,
Dist. - Washim.
2. Anant Kashinath Gawande,
Aged about 35 Years, Occupation : Superintendent,
R/o. Irathal, Post – Bhulal,
Tal – Darawha, Dist. - Yavatmal.
3. Satish Wamanrao Pawar,
Aged about 39 Years, Occupation : Peon,
R/o. Wai, Post – Rui,
Tal & Dist. - Yavatmal.
4. Vonod Atmaram Jadhav,
Aged about 39 Years, Occupation : R/o. Dehani,
Tal – Digras, Dist. - Yavatmal.
5. Gajanan Moroti Kalsare,
Aged about 39 Years, Occupation : Caretaker,
R/o. Kali (Daulat), Tal -
Mahagaon, Dist. - Yavatmal.
6. Sudhakar Munna Rathod,
Aged about 48 Years, Occupation : Sanitary,
R/o. Wadgaon, Post – Kalgaon,
Tal – Digras, Dist. - Yavatmal.
7. Bhopidas Ramdas Ade,
Aged about 42 Years, Occupation : Watchman,
R/o. Ward No.5, Near Shiv Mandir,
Arni, Tal & Dist. - Yavatmal.
8. Mohd. Yunus Abdual Ajij Siddiqui,
Aged about 48 Years, Occupation : Sweeper,
R/o. Runza, Post – Runza,

Tal.- Kelapur, Dist. - Yavatmal.

...PETITIONERS
(Orig. Petitioners)

VERSUS

1. State of Maharashtra
Through the Secretary,
Social Justice & Special
Assistant Department,
Mantralaya, Mumbai – 32.
2. The Commissioner (Handicap),
Handicap Welfare Commissioner
Office, Maharashtra State,
3, Church Road, Pune – 411 001.
3. The Regional Social Welfare
Officer, Amravati Division,
Amravati.
4. The Social Welfare Officer,
Group – A, Zilla Parishad,
Yavatmal.

...RESPONDENTS
(Orig. Respondents)

WITH
CIVIL APPLICATION (CAW) NO. 1463 OF 2025
IN
WRIT PETITION NO. 8001 OF 2019
WITH
CIVIL APPLICATION (CAW) NO. 1683 OF 2025
IN
WRIT PETITION NO. 8001 OF 2019
WITH
CIVIL APPLICATION (CAW) NO. 1730 OF 2025
IN
WRIT PETITION NO. 8001 OF 2019
WITH
CIVIL APPLICATION (CAW) NO. 1927 OF 2025
IN
WRIT PETITION NO. 8001 OF 2019
WITH
CIVIL APPLICATION (CAW) NO. 2610 OF 2025
IN
WRIT PETITION NO. 8001 OF 2019

WITH
CIVIL APPLICATION (CAW) NO. 2732 OF 2025
 IN
WRIT PETITION NO. 8001 OF 2019

Mr. P. R. Agrawal, Advocate for the
 Mr. S. M. Ukey, Additional Government Pleader for Respondents.
 Mr. P. S. Kshirsagar, Applicant in CAW/1463/2025.
 Mr. Anand Parchure, Applicant in CAW/1683/2025.
 Mr. N. B. Rathod, Applicant in CAW/1730/2025.
 Mr. P. S. Kshirsagar, Applicant in CAW/1927/2025.
 Mr. P. S. Kshirsagar, Applicant in CAW/2610/2025.
 Mr. P. S. Kshirsagar, Applicant in CAW/2732/2025.

CORAM : ABHAY J. MANTRI AND
 SUSHIL M. GHODESWAR, JJ.
 RESERVED ON : DECEMBER 08, 2025
 PRONOUNCED ON : DECEMBER 22, 2025

JUDGMENT (ABHAY J. MANTRI, J.) :

1. The respondents in Writ Petition No.8001 of 2019 have filed this application to recall the order dated 07th April 2025, as the said order has caused prejudice to the employees who were appointed pursuant to the No Objection Certificates issued by the State Government prior to the passing of the order.

2. Heard, Mr. Ukey, learned Addl. Government Pleader, and the learned counsel for the respective parties. Perused the orders dated 07th April 2025, 03rd April 2025, and 16th October 2024 along with the record.

3. At the outset, it appears that by order dated 07th April 2025, this Court “*cancelled all the earlier No Objection Certificates (NOCs) issued by respondent No.6*” on the ground that the NOCs issued by respondent No.2

were issued without operating a wait list. Therefore, the respondents have filed the present application seeking recall/review of the order dated 07th April 2025 “*to the extent of cancellation of all earlier NOCs issued by respondent No.6*”, and seeking modification regarding the word 43 persons instead of 43% in the said order.

4. Mr. Ukey, learned Addl.Government Pleader, drew our attention to the prayers made in Writ Petition No.8001 of 2019 and submitted that the petitioners had never claimed the relief as granted by this Court in its order dated 07th April 2025. He therefore contended that the question of passing the order dated 07th April 2025 does not arise. We have perused the prayers made in the petition and find substance in his contention in that regard. It is prima facie evident that the passing of the said order directly affects the institutions and the employees who are not the parties to the petition.

5. It was argued that, as per the direction of the Hon’ble Apex Court in Special Leave Petition Nos.132 of 2016 and 876 of 2017 (*Rajneesh Kumar Pandey Vs. Union of India*), the State Governments were directed to initiate the appointment process to fill up the vacancies for the post created for rehabilitation/Special Teacher for being appointed on regular basis. Pursuant to the said directions, the State Human Rights Commission, by order dated 15th December 2022 in Case No.3594/13/0/2022, directed the Government to complete the process of filling up the vacancies of Special Teachers by 15th June 2023. He also drew our attention to the said orders.

6. Pursuant to the directions of the Hon'ble Apex Court, the State Government issued a Government Resolution dated 26th July 2023, granting approval for filling up 1,167 posts of Special Teachers, 508 posts of non-teaching staff, and 237 Manpower services through outsourcing. Accordingly, the Government Resolution dated 26th July 2023 and the Government Circulars dated 31st October 2023 and 19th December 2023 prescribe the procedure for the issuance of No Objection Certificates to eligible institutions. He also drew our attention to the said Government Resolution and Circulars.

7. Accordingly, the Government commenced the process of issuance of *NOCs* in compliance with the directions of the Hon'ble Apex Court from January 2024 till 08th August 2024. It issued *NOCs* for filling up 798 posts/vacancies in 213 Schools/workshops/hostels/children's homes during the said period. Thereafter, by order dated 16th October 2024, the Commissionerate has prepared a waiting list of eligible candidates on 27th February 2025 and issued absorption orders in respect of 43 employees on 06th March 2025. Subsequently, another waiting list of 25 candidates was issued.

8. It is further contended that the Government had issued *NOCs* for filling up 798 posts and, accordingly, most of the posts were filled and administrative approval had also been given to the said posts before the passing of the orders in the present petition. Therefore, it is propounded

that if the *NOCs* are cancelled, the service-related issues of the said employees, who were appointed pursuant to the *NOCs* issued by the State Government, would arise, which may result in a large number of litigations. Hence, the present application has been moved, *inter alia*, to recall the word “43%” in paragraph No. 1 and substitute it with “43 persons.”

9. During the course of arguments, the learned AGP also took us through the Government Resolutions and Government Circulars issued by the Persons with Disabilities Welfare Department along with Corrigendum dated 18th August 2023, and pointed out that “*the Deputy Secretary of the Persons with Disabilities Welfare Department, Mantralaya*” is/was empowered to grant permission/*NOC* for filling up the vacant posts in the institutions.

10. On perusal of the above Corrigendum, it is revealed that the Government has authorised the Deputy Secretary of the Persons with Disabilities Welfare Department to grant approval and issue permissions/*NOCs* to the institutions to fill up the posts.

11. It is to be noted that while passing the orders dated 03rd April 2025 and 07th April 2025, none of the parties have brought to the notice of this Court that original respondent No.6 had granted *NOCs* in favour of various institutions for filling up the said posts, nor brought to the notice of this Court that, pursuant to the said *NOCs*, the respective institutions had filled up the vacant posts before the passing of the order on 03rd April 2025.

12. It also appeared that in the order dated 07.04.2025, it was inadvertently recorded that 43% candidates, instead of a wait list of 43 such candidates as recorded in the order dated 03rd April 2025, which has been operated, and absorption orders have been issued to them. In fact, in the order dated 03rd April 2025, this Court has specifically observed that “*the State Government has prepared a wait list for employees to be appointed in the Special Disabled category and in fact, the wait list has been operated by issuing absorption orders to 43 such wait-listed candidates.*” The order itself indicates that, inadvertently, the figure 43% was recorded instead of 43 persons in the order dated 07th April 2025. Therefore, in our view, the same requires correction.

13. It was further observed in an order dated 07th April 2025 that “*all other NOCs issued by respondent No.2 without operating a wait list, and therefore all the earlier NOCs issued by the respondent No. 6 were cancelled.*” It is undisputed that various institutions and their employees were not parties to the Writ Petition No.8001 of 2019; that the NOCs had been granted before 16th October 2024; and that the said NOCs had already been exhausted, as appointments were made pursuant thereto before the passing of the orders dated 03rd April 2025 and 07th April 2025.

14. Thus, it appears that the order dated 07th April 2025 was passed without bringing the aforesaid facts to the notice of this Court and without hearing the concerned institutions and employees, which clearly

indicates that the order was passed without affording them an opportunity of hearing and would indisputably cause prejudice to their rights. As such, it is necessary to interfere with the order by clarifying that the order dated 07th April 2025 passed in the petition shall not affect the No Objection Certificates granted in favour of the concerned institutions and employees before 16th October 2024, with a further direction to release all consequential benefits.

15. As a result, the application is allowed. The order dated 07th April 2025, to the extent of paragraph 1, as regards “*the cancellation of all earlier NOCs issued by original respondent No.6*”, is hereby recalled. The order is further modified by replacing the term “43%” with “43 persons” or “such wait-listed candidates.” Accordingly, the order should be modified and uploaded to the official website.

16. In view of the above, all intervention applications and connected applications with intervention applications, if any, filed in pursuance of the said order, shall become infructuous and stand disposed of accordingly.

(SUSHIL M. GHODESWAR, J.)

(ABHAY J. MANTRI, J.)