



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

948 WRIT PETITION NO. 689 OF 2025

The State Of Maharashtra

VERSUS

Vishal Ashok Dhole

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AGP for the Petitioner : Mr. A.V. Lavte

Advocate for Respondent no.1 : Mr.Khedkar A.S.

...

CORAM : NITIN B. SURYAWANSHI AND

VAISHALI PATIL-JADHAV, JJ.

DATED : 24th MARCH, 2026.

ORDER :

. The State of Maharashtra has challenged the decision of the Maharashtra Administrative Tribunal dated 25.06.2024 passed in Original Application No.80/2024, thereby allowing the Original Application filed by respondent no.1 and directing the petitioner to issue order of appointment in favour of respondent no.1, as recommended by respondent no.2 (M.P.S.C.), on the post of Deputy Director, Agriculture (Group "A"), if respondent no.1 is otherwise satisfying the requirements as enumerated in clause 2 of letter dated 21.07.2023, within six weeks from the date of order.

2. Brief facts leading to this petition can be stated thus :-

Respondent no.1 participated in the selection process carried out by the M.P.S.C. for filling in 203 posts of Maharashtra Gazetted Agriculture Technical Services, 2021. Respondent no.1 was recommended by respondent no.2 - M.P.S.C. from the quota meant for Divyang Category candidates. In spite of recommendation by M.P.S.C.

the petitioner did not issue appointment order to respondent no.1, stating that disability possessed by the petitioner was of temporary nature. Hence, respondent no.1 filed Original Application seeking directions to the petitioner to issue appointment order, which is allowed.

3. Heard learned A.G.P for the petitioner and learned Advocate for respondent no.1, at length. Perused the Writ Petition memo, annexures thereto and impugned order.

4. Admittedly, name of respondent no.1 was recommended by respondent no.2 - M.P.S.C. for appointment from Divyang quota. Disability certificate presented by respondent no.1 is as follows :-

***"Department of Empowerment of Persons with Disabilities of
Social Justice and Empowerment, Government of India***

Disability Certificate

Issuing Medical Authority, Ahmednagar, Maharashtra

Certificate No. MH2610819940191088

Date: 27/07/2021

This is to certify that I/we have carefully examined Shri Vishal Ashok Dhole, Son of Shri Ashok, Date of Birth 07/04/1994, Age 27, Male, Registration No.2726/00000/2012/1046096, resident of House No.Sakegaon-414102, Sub District Pathardi, District Ahmednagar, State / UT Maharashtra, whose photograph is affixed above and I am/we are satisfied that :

- (A) *He is a case of Mental Illness*
- (B) *The diagnosis in his case is PARANOID SCHIZOPHRENIA*
- (C) *He has 40% (in figure) Forty percent (in words) Temporary Disability in relation to his Brain as per the guidelines (Guidelines for the purpose of assessing the extent of specified disability in a person included under RPwD Act, 2016 notified by Government of India vide S.O:76(E) dated 04/01/2018).*

This certificate recommended for 5 year(s), and therefore this certificate shall be valid till 28/07/2026.

The applicant has submitted the following document(s) as proof of residence :

Nature of Document (s) : Aadhaar card

SD/-

Signature/Thumb impression of the Person with Disability

SD/- SD/- SD/-

Signatory of notified Medical Authority Member(s)

SD/-

Issuing Medical Authority, Ahmednagar, Maharashtra"

5. Learned A.G.P. has strenuously urged that in terms of Government Resolution dated 13.09.2022, since respondent no.1 was suffering from temporary disability, he was not eligible to be appointed on permanent post. We are not impressed by the said argument. First of all, the said Government Resolution was not relied upon by the petitioner while arguing the matter before the Tribunal. Secondly, the said Government Resolution is issued providing 21 categories of Divyang beneficiaries given under the Rights of Persons with Disabilities Act, 2016, eligible for availing the State and other

machinery schemes, facilities, benefits, grants or similar benefits. It has nothing to do with the appointments of Divyang persons.

6. It appears that respondent no.1 was directed to appear before the Medical Board and the Medical Board has issued certificate giving following opinion :-

"Impression: 1) Schizophrenia in remission.

2) Disability >40%

3) Eligible for Disability Quota"

7. In the backdrop of the aforestated facts, the Tribunal has rightly held that in view of the certificate issued by the Medical Board of J.J. Hospital, there is no impediment for appointment of the applicant/respondent no.1. The Tribunal has passed a well reasoned order. The Tribunal has not committed any error of jurisdiction or legal error while allowing the Original Application. No case is made out to interfere in the impugned order in extra ordinary writ jurisdiction. Petition being devoid of merits, stands dismissed.

8. At the time of admission, by order dated 15.01.2025, the petitioner was directed to keep the post vacant to which respondent no.1 is selected. The interim order stands vacated. The petitioner is directed to implement the order of the Tribunal within a period of four weeks from the date of uploading of this order.

(VAISHALI PATIL-JADHAV,J.)

(NITIN B. SURYAWANSHI,J.)