



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 121 OF 2026

1. Shri. Pankaj Rajesh Kamble
Age: 29 Years, Occu. At Present Nil,
R/o. Plot No. 15, Siddhi Park,
Near Sara Vaibhav, Jatwada Road,
Harsool, Chhatrapati Sambhajanagar.
2. Shri. Shaiteshkumar Dilip Bale
Age: 30 Years, Occu. At Present Nil,
R/o. Row House No. 76,
Narhari Ghrushneshwar Society,
Deogir Vally, Mitmita
Chhatrapati Sambhajanagar.

...PETITIONERS

VERSUS

1. The State of Maharashtra
Through its Principal Secretary
Rural Development Department,
25, Marzaban Path, Bandhkam Bhavan,
Fort, Mumbai- 400 001
2. The Secretary
Divyang Mantralaya,
31, 32, 35-A, Mittal Tower,
A-Wing, 3rd Floor,
Barrister Rajani Patil Marg,
Nariman Point, Mumbai-21.
3. The Chief Executive Officer,
Zilla Parishad, Parbhani.
4. The Executive Engineer
Works Division,
Zilla Parishad, Parbhani.
5. The Professor and Head of the Department
of Ophthalmology,

Government Medical College,
Chhatrapati Sambhajanagar.

6. The Professor and Head of Department
of Ophthalmology
Grant Government Medical College
And Sir J.J. Group of Hospitals,
Mumbai 400 008

7. Shri. Pravin s/o Gangadhar Londhe
Age: 32 Years, Occu. At Present Nil,
R/o. Chakradhar Nagar, Pangri Road,
Beed. Tq. & District Beed.

...RESPONDENTS

Mr. V.G. Salgare, Advocate for Petitioners
Mr. V.M. Kagne, AGP for Respondents/State

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 20th JANUARY 2026

ORDER : [Per Smt. Vibha Kankanwadi, J.]

1. Petitioners contend that they possess qualification of B.E. (Civil), Diploma in Engineering (Civil) and B.Tech. (Civil) respectively. They had appeared for online examination for the post of Civil Engineer Assistant as per the advertisement published by Respondent No. 2 and 3 i.e. Advertisement No. 1/2023. Both the petitioners state that they are members of Scheduled Caste and their caste claim is validated. Petitioner No. 1 had scored 140 marks whereas Petitioner No. 2 scored 136 marks in the said examination and their names have been included in the wait list. Respondent No. 7 belonging to Scheduled Tribe category with

disability i.e. low vision (LV) had scored 114 marks. The percentage of the disability of Respondent No. 7 shown by Respondent No. 5 when the examination was conducted at Government Medical College, Chhatrapati Sambhajanagar was 10%. However, when again Respondent No. 7 was examined at Respondent No. 6-Appellate Authority i.e. Professor and Head of Department of Ophthalmology Grant Government Medical College and Sir J.J. Group of Hospitals, Mumbai, his disability was shown as 60%. There is vast difference in percentage of the disability in the certificates issued by Respondent No. 5 and 6. Therefore, the certificate issued by Respondent No. 6 becomes suspicious and as per the petitioners if Respondent No. 7 is appointed on the post of Civil Engineer Assistant on the basis of said suspicious certificate, then the right of petitioners to get the appointment would be violated and therefore by way of this writ petition petitioners are seeking directions to Respondent No. 6 to explain as to how the percentage has gone high and for that purpose they are asking the record and proceedings while issuing the certificate to Respondent No. 7 to be called. Petitioners are also seeking direction against Respondent No. 3 and 4 to direct Respondent No. 7 to undergo evaluation of percentage of disability once again and if the disability is assessed below 10%, then not to appoint him on the said post.

2. Heard learned advocate for the petitioners and learned AGP who waives notice for Respondent No. 1 to 6. No necessity to issue notice to Respondent No. 7.

3. There appears to be no dispute as regards petitioners taking part in the examination and their names at present appearing in the wait list. However, petitioners are taking objection to the certificates those have been issued in respect of Respondent No. 7 by Respondent No. 5 and 6. Now, the petitioners would become a third party and they cannot seek any such direction against Respondent No. 7 asking him to undergo the test of verification of percentage of disability once again. It appears that initially the certificate issued by Respondent No. 5 showed percentage at 10%. However, as per the Rights of Persons with Disabilities Act, 2016, he preferred appeal and underwent the test at Sir J.J. Hospital, Mumbai. Sir J.J. Hospital, Mumbai after formulating the board (as the disability certificate discloses) consisting of three members assessed the disability of Respondent No. 7 and found that the percentage of permanent blindness to Respondent No. 7 is 60%. There is a presumption in favour of the Government Authorities that they have worked as per the provisions of law and had adopted the proper procedure laid down under the law. Without any evidence, petitioners are estopped from making the allegations. In view of Rights of Persons with Disabilities Act, 2016, the

Government of Maharashtra has issued a Government Resolution dated 14.09.2018 as to how the disability certificate should be issued and what procedure they are supposed to undertake. As regards, Appellate Boards are concerned, it has been established at Sir J.J. Hospital, Mumbai. There is nothing on record produced by the petitioners to show that the Appellate Board had not adopted the proper procedure. Of course, there appears to be an application made by them for getting documents under Right to Information Act. But it appears that then in view of said application they had received copies of disability certificate of Respondent No. 7. No other application under Right to Information Act appears to have been submitted by the petitioners to Sir J.J. Hospital, Mumbai.

4. Petitioners being third party cannot ask for the reassessment. They do not have any such right and therefore, we take that this is not a fit case where we should exercise our powers under Article 226 of the Constitution of India. Hence, the writ petition stands rejected.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

Bhagyawant Punde