

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16882 OF 2025

Venkateshwar Vasantryao Vedpathak ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

Ms. Pushpa Ganediwala with Anshu Agrawal & Bhushan Shinde,
for the Petitioner.
Ms. Reena A. Salunkhe, AGP, for the Respondent-State.
Mr. Sugandh B. Deshmukh with Bhushan Gulabrao Deshmukh,
Aryan M. Deshmukh, Vaibhav Thorave, Aniket Kanawade,
Irvin D'Souza and Vivek Thakare, for the Respondent No.3.

**CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.**

DATED: 9th MARCH, 2026.

PC:-

1. Heard learned Counsel appearing for both the parties.
2. The Writ Petitioner herein is working as "Assistant Commissioner (Food)" in the Food and Drugs Administration Department of the Government of Maharashtra. He is also a care-giver to his disabled son, who is suffering from 100% disability.
3. Being aggrieved by the transfer order dated 23rd May, 2025, by means of which, the Petitioner, who is presently posted as

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Assistant Commissioner (Food), Thane, Zone-4, has been transferred and posted in the same capacity at Brihan-Mumbai, Zone-4, against a vacant post, the Petitioner had earlier approached the learned Maharashtra Administrative Tribunal ('MAT'), Mumbai, by filing Original Application No. 538 of 2025. The aforesaid Original Application is pending disposal before the learned Tribunal.

4. The grievance of the Petitioner is on account of the fact that the Original Application has not been taken up for expeditious hearing and disposal by the MAT. Hence, the present Writ Petition has been filed seeking a direction to expedite the disposal of the Original Application.

5. During the pendency of this Writ Petition, this Court, by taking note of the peculiar facts and circumstances of the case, had passed order dated 3rd February, 2026, requiring the Departmental Secretary to look into the grievance of the Petitioner from the standpoint of his child, who needs "high support" due to his disability. The aforesaid order was passed by this Court by taking note of the definition of "care-giver" under Section 2(d) of the

Rights of Person with Disabilities Act, 2016 (‘ the Act of 2016’ for short) and also “high support” defined in Section 2(l) of the Act.

6. In terms of the order dated 3rd February, 2026, the Joint Commissioner (Legal), Food and Drug Administration, Maharashtra State, has issued order dated 11th February, 2026, posting the Petitioner on temporary basis to assist the Joint Commissioner (Food) and Adjudicating Officer (Group-A), Thane, in office work as well as to assist in adjudication cases under their jurisdiction. The order dated 11th February, 2026, puts in place a temporary arrangement to remain in force till a regular vacancy becomes available. However, Ms. Pushpa Ganediwala, learned Counsel appearing for the Petitioner submits that the grievance of her client pertaining to the order dated 11th February, 2026, is on account of the fact that if the Petitioner joins in that post, he will be compelled to serve under and report to a officer junior to him, which would not only be derogatory and demoralizing but also violative of conditions of service of the Petitioner.

7. To allay the aforesaid apprehension, Ms. Salunkhe, learned AGP appearing for the State, has argued that the Petitioner would not be required to work under any junior officer and since the

arrangement under the order dated 11th February, 2026, is of temporary nature, his temporary posting will be reviewed by the Authorities as and when a regular vacancy becomes available. She further submits that once the Petitioner joins the post, he will be received regular salary.

8. We have noticed that the Petitioner is due for retirement from service upon attaining the age superannuation within a period of 2½ years. It is not in dispute that the Petitioner is a care-giver of his son, who is suffering from 100% disability and, therefore, the Petitioner would be entitled to preferential treatment in the matter of his posting in view of the provisions of the Act of 2016.

9. This Court appreciates that by taking note of the facts and circumstances of the case as well as the order dated 3rd February, 2026, the Departmental Authorities have modified the posting of the Petitioner by assigning him duties at Thane, which would undoubtedly enable the Petitioner to continue to function as the “care-giver” of his son. We have also taken note of the statement of the learned AGP that as and when suitable vacancy arises, the Petitioner can be assigned another posting as well.

10. In view of the above, we do not find any justifiable ground to keep the Writ Petition pending before this Court any further. We, therefore, dispose of the Writ Petition by providing that the Petitioner would be at liberty to join in terms of order dated 11th February, 2026, which would be without prejudice to his rights and contentions in Original Application No. 528 of 2025 pending before the learned MAT, Mumbai.

11. We, however, make it clear that while performing his duties, the Authorities shall ensure that the Petitioner would not be required to work under or report to any officer junior to him, either directly or indirectly. This being a temporary measure, it would be open for the Authorities to redress the grievance of the Petitioner by issuing a permanent order of suitable posting in the near future, keeping in mind the fact that the Petitioner is the caregiver to his son.

12. We also request to the learned MAT, Mumbai, to expedite the disposal of the Original Application No. 528 of 2025 and pass final order therein, as expeditiously as possible, preferably within a period of six months from the date of receipt of a certified copy and/or authenticated copy of this order.

13. It is also provided that subject to the Petitioner joining in his new place of posting in terms of order dated 11th February, 2026, within 7 days from today, the Authorities shall not only pay his regular salary but also release arrears salary, as may be payable under the law.

14. Writ Petition stands disposed of accordingly.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)