

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

(901) WRIT PETITION NO.433 OF 2026

Shobha Madhukar Khaire

....Petitioner

Versus

The State of Maharashtra & Ors.

....Respondents

AND

(902) WRIT PETITION NO.434 OF 2026

AND

(903) WRIT PETITION NO.834 OF 2026

WITH

WRIT PETITION NO.839 OF 2026

WITH

WRIT PETITION NO.835 OF 2026

WITH

WRIT PETITION NO.836 OF 2026

WITH

WRIT PETITION NO.837 OF 2026

WITH

WRIT PETITION NO.1999 OF 2026

WITH

WRIT PETITION NO.2378 OF 2026

WITH

WRIT PETITION NO.2380 OF 2026

WITH

WRIT PETITION NO.2381 OF 2026

WITH

WRIT PETITION NO.2382 OF 2026

WITH

WRIT PETITION NO.2383 OF 2026

WITH

WRIT PETITION NO.2729 OF 2026

AND

(904) WRIT PETITION NO.2971 OF 2026

AND

(905) WRIT PETITION NO.2974 OF 2026

AND

(906) WRIT PETITION NO.2997 OF 2026

AND

(501) WRIT PETITION NO.17568 OF 2025

Mr. Suresh Pakale, Senior Advocate a/w Mr. Saurabh Pakale and Mr. Nilesh Desai i/b. Ms. Padmaja Malgaonkar for the Petitioner in WP/834/2026, WP/839/2026, WP/835/2026, WP/836/2026, WP/837/2026, WP/1999/2026, WP/2378/2026, WP/2380/2026, WP/2381/2026, WP/2382/2026 and WP/2383/2026.

Ms. Sakshi Thombare i/b. Mr. Vivek Rane for the Petitioner in WP/433/2026 and WP/434/2026.

Ms. Sakshi Thombare i/b. Mr. Bhavesh Paithane for the Petitioner in WP/2378/2026.

Mr. Vivek Rane for the Petitioner in WP/2729/2026, WP/2971/2026, WP/2974/2026 and WP/2997/2026.

Mr. Saurabh Pakale i/b. Ms. Padmaja Malgaonkar for the Petitioner in WP/17568/2025.

Mr. Kedar B. Dighe for Respondent Nos.2, 4 and 5 - PCMC in all matters in WP/834/2026.

Mr. A. R. Kapadnis for the Zilla Parishad Nashik in WP/433/2026, WP/434/2026, WP/2974/2026, WP/2997/2026, WP/2926/2026 and WP/839/2026, WP/835/2026, WP/836/2026, WP/837/2026, WP/1999/2026, WP/2378/2026, WP/2380/2026, WP/2381/2026, WP/2382/2026 and WP/2383/2026.

Mr. Suvidh Kulkarni for the Petitioner at Aurangabad Bench (through video conferencing).

Mr. P.P. Kakade, Addl. GP a/w. Ms. P.N. Diwan, AGP for the Respondent – State in WP/433/2026.

Mr. O.A. Chandurkar, Addl. GP a/w. Ms. Priyanka Chavan, AGP for the Respondent – State in WP/434/2026.

Mr. P.P. Kakade, Addl. GP a/w. Ms. Priyanka Chavan, AGP for the Respondent – State in WP/834/2026.

Mr. O.A. Chandurkar, Addl. GP a/w. Mr. V.G. Badgujar, AGP for the Respondent – State in WP/839/2026.

Ms. Pooja Patil, AGP for the Respondent – State in WP/835/2026.

Ms. D.S. Deshmukh, AGP for the Respondent – State in WP/836/2026.

Mrs. M.P. Thakur, AGP for the Respondent – State in WP/837/2026.

Ms. N.M. Mehra, AGP for the Respondent – State in WP/1999/2026.

Ms. Priyanka Chavan, AGP for the Respondent – State in WP/2378/2026.

Mr. A.K. Naik, AGP for the Respondent – State in WP/2380/2026.

Mr. M.M. Pabale, AGP for the Respondent – State in WP/2381/2026.

Ms. P.M.J. Deshpande, AGP for the Respondent – State in WP/2382/2026.

Mr. A.R. Deolekar, AGP for the Respondent – State in WP/2383/2026.

Ms. Gauri Raghuwanshi, AGP for the Respondent – State in WP/2729/2026.

Mr. S.P. Kamble, AGP for the Respondent – State in WP/2971/2026.

Ms. N.M. Mehra, AGP for the Respondent – State in WP/2974/2026.

Mr. V.G. Badgujar, AGP for the Respondent – State in WP/2997/2026.

CORAM : RAVINDRA V. GHUGE
&
ABHAY J. MANTRI, JJ.

DATE : 11th MARCH, 2026

P.C. :-

WRIT PETITION NO.2729 OF 2026

1. On 9th March, 2026, we had passed the following order :

1. The Petitioner has gathered the courage to even flout the directions of this Court and is consistently refusing to subject himself to a medical check-up. The Corporation has been issuing him letter after letter. The Dean of the Yashwantrao Chavan Memorial Hospital (YCMH) Hospital at Pimpri Chinchwad, Pune is awaiting the Petitioner in order to examine him in the light of the protection granted by this Court that no adverse action shall be taken against him. Yet the Petitioner continues to flout our directions.

2. The learned Advocate for the Petitioner submits that the Petitioner will appear before the said Hospital tomorrow, i.e., 10.03.2026, at 11:00 a.m., and subject himself to a medical examination of both the ears, as he is suffering from a 57% hearing impairment even before joining employment.

3. Since the statement is made, the Petitioner would appear before the Medical Board tomorrow, i.e., 10.03.2026, at 11:00 a.m., in the above-mentioned hospital.

4. Needless to state, whatever the report of the Medical Board is, no adverse action would be taken against the Petitioner without placing the medical report before this Court.

5. List this Petition on 10.03.2026.

2. It was only after we passed the above order that the Petitioner, who is presently 34 years of age, subjected himself to a medical examination at the Pimpri Chinchwad Municipal Corporation Post Graduate Institute, Yashwantrao Chavan Memorial Hospital. He joined service 11 years ago, in 2015, claiming 54% 'hearing' disability. The learned Advocate for the Corporation has tendered a compilation of 11 documents along with an index and written submissions (13 pages).

3. The Dean of the Medical College has informed that the Pure Tone Audiometry (PTA) test was conducted by the Audiologist, as the primary hearing test and the responses were not reliable. The learned Advocate submits that the Petitioner was non-cooperative. He was thereafter subjected to the gold-standard objective test, namely BERA, on 10th March, 2026 at 11.30 a.m. The BERA report

suggests mild hearing loss in the right ear and near normal hearing sensitivity in the left ear. His disability percentage has been assessed at 0.16%, as against the 54% disability certificate on the basis of which he secured employment. The Petitioner can be further subjected to examination at the Ali Yavar Jung National Institute of Speech and Hearing Disabilities, Divyangjan, Bandra, Mumbai – 50, where reconfirmation of the test can be carried out in the light of the earlier disability percentage of 54%.

4. The learned Advocate for the Petitioner submits, on instructions, that the Petitioner will subject himself to further tests at the Ali Yavar Jung National Institute on 17th March, 2026 at 11.30 a.m.

5. Considering the Petitioner's earlier reluctance and obstinacy, we record that if he skips this test on 17th March, 2026, we would permit his employer to initiate disciplinary action against him. If he subjects himself to the test and if the disability percentage is reconfirmed at 0.16% or any percentage, we will still protect his service until further orders. However, the service benefits available to him under any Government Resolution or Circular, can be stopped.

Writ Petition Nos.2971 of 2026, 2974 of 2026 and 2997 of 2026

6. In Writ Petition Nos.2971 of 2026, 2974 of 2026 and 2997 of 2026, these three Petitioners have suffered disability as under :

(i) Madhukar N. Shewale suffers from locomotor disability. Earlier it was assessed at 40%. While examining him for the UDID Card in 2026, it has been found to have reduced to 15%.

(ii) Vaishali Sudhakar Sonawane suffers from hearing impairment. Earlier it was assessed at 59%, permanent and progressive, not likely to improve. While examining her for the UDID Card in 2026, it has been found to have reduced to 5%. The J.J. Hospital, which examined her in 2017, had also assessed it at 59%.

(iii) Madhusudhan Ukhaji Ahire was assessed to be 50% blind in 2006, which was confirmed by J.J. Hospital in 2008. While issuing the UDID Card in 2024, he was found to be 30% blind.

7. Since these three Petitioners were found to have reduced disability percentages, their employer, the Zilla Parishad, has suspended them with effect from 16th December, 2025 (first Petitioner) and 18th December, 2025 (second and third Petitioners).

8. In a similar set of circumstances, we have protected employees from precipitative action, since we are hearing all these

matters finally. The hearing is almost concluded. It is only the learned Senior Advocate Mr. Kadam, for some of the Kolhapur Bench matters, and Mr. Kulkarni and some other Advocates with regard to the Aurangabad Bench matters, which have been transferred to this Court, who remain to be heard.

9. As such, we stay the suspension orders issued against these Petitioners. However, we record that the disability related service benefits made available to them by virtue of any Government Resolution or Government Circular would now be stopped.

10. In all these matters, which are now clubbed together and allocated to this Bench by the order of the Hon'ble the Chief Justice, we record that all these Petitioners would subject themselves to medical examinations as per the schedules fixed by their respective employers, and not according to their own choice or convenience. They would participate in the examinations and, whatever may be the result of the latest medical examination tests, no disciplinary or precipitative action would be initiated against any of these Petitioners since we are considering all these Petitions finally.

11. Nevertheless, considering the experience of the Zilla Parishads and the Government Departments, if any Petitioner creates any obstacle in the medical examination by not making himself/herself available, unless for reasons which are extremely pressing and beyond his/her control, we would view such conduct seriously, in which case we would permit the Management to initiate appropriate disciplinary action.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)