SUNNY ANKUSHRAO THOTE
Digitally signed by SUNNY ANKUSHRAO THOTE
Date: 2026.05.08 13:51:06 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4325 OF 2026

Santosh Hiraman Lashkare ….Petitioner

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.433 OF 2026

Smt. Shobha Madhukar Khaire ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.834 OF 2026

Hemlata Ramdas Pagar & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.839 OF 2026

Prashant Sham Bagul & 7 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.835 OF 2026

Samadhan Kalu Shewale & 4 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.836 OF 2026

Kiran Pandit Jadhav & 24 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.837 OF 2026

Sunanda Daulat Bachhav & 2 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.1999 OF 2026

Vilas Murlidhar Gangurde & 2 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.2378 OF 2026

Yuvraj Tanaji Wani ….Petitioner

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.2380 OF 2026

Hiralal Vitthal Patil & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.2381 OF 2026

Abhijit Arun Tupe & 4 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.2382 OF 2026

Gitabai Punja Bharati & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.2383 OF 2026

Dilip Ramesh Nikam & 3 Ors. ….Petitioners

Versus

The State of Maharashtra & 3 Ors. ….Respondents

WITH
WRIT PETITION NO.2729 OF 2026

Nikhil Ramesh Fendar ….Petitioner

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO. 3436 OF 2026

Varsha Trimbak Akolkar ….Petitioner

Versus

The State of Maharashtra & 7 Ors. ….Respondents

WITH
WRIT PETITION NO. 3462 OF 2026

Ravindra Babasaheb Shinde & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & & Ors. ….Respondents

WITH
WRIT PETITION NO. 3465 OF 2026

Maroti Babarao Ghenekar & 3 Ors. ….Petitioners

Versus

The State of Maharashtra & 7 Ors. ….Respondents

WITH
WRIT PETITION NO. 3470 OF 2026

Pushpalata Dinkar Khedkar ….Petitioner

Versus

The State of Maharashtra & 7 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.2036 OF 2026

Sachin Pitambar Patil & 33 Ors. ….Applicants

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.3631 OF 2026

Rupali Parbati Lokhande & 1 Anr. ….Petitioners

Versus

The State of Maharashtra 8 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.2223 OF 2026
IN
WRIT PETITION NO.17921 OF 2025

Mrs. Vanita Hanmant Borate ….Applicant

IN THE MATTER BETWEEN

Mrs. Vanita Hanumant Borate ….Petitioner

Versus

The State of Maharashtra & 2 Ors. ….Respondents

WITH
WRIT PETITION (ST) NO.7966 OF 2026

Yogesh Suresh Battise & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.4038 OF 2026

Ashok Suresh Bahir ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4033 OF 2026
WITH
INTERIM APPLICATION NO.2396 OF 2026

Anjali Marotirao Munde ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION (ST) NO.8937 OF 2026

Pandharinath Satwajirao Gaikwad & 6 Ors. ….Petitioners

Versus

The State of Maharashtra & 3 Ors. ….Respondents

WITH
WRIT PETITION (ST) NO.9141 OF 2026

Gangadhar Dadasaheb Deshmukh & 19 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.2647 OF 2026

Santosh Hiraman Lashkare ….Applicant

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.4441 OF 2026

Sindhu Asaram Watmode ….Petitioner

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.4442 OF 2026

Ashok S/o Dashrath Ghule ….Petitioner

Versus

The State of Maharashtra & 3 Ors. ….Respondents

WITH
WRIT PETITION NO.4443 OF 2026

Shri Sandip s/o. Vinayak Sonawane ….Petitioner

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.4444 OF 2026

Ashok Hanmanntrao Kolgaonkar & 6 Ors. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4446 OF 2026

Shri Ganesh S/o Murlidhar Mahajan ….Petitioner

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.4445 OF 2026

Sushma Laxman Dhonde & 6 Ors. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4448 OF 2026

Mahadev Hamant Shinde & 89 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.4451 OF 2026

Sayyed Sallauddin Rehman ….Petitioner

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.4450 OF 2026

Rajendra Sampatrao Sakhre ….Petitioner

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.4452 OF 2026

Yuvraj s/o. Adhar Patil & 9 Ors. ….Petitioners

Versus

The State of Maharashtra & 3 Ors. ….Respondents

WITH
WRIT PETITION NO.4454 OF 2026

Somnath Namdeo More & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 7 Ors. ….Respondents

WITH
WRIT PETITION NO.4455 OF 2026

Janabai Madhukar Jaybhay & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.4457 OF 2026

Ramchandra s/o. Tarachand Saindane ….Petitioner

Versus

The State of Maharashtra & 7 Ors. ….Respondents

WITH
WRIT PETITION NO.4458 OF 2026

Pandurang Vikram Patil ….Petitioner

Versus

The State of Maharashtra & 2 Ors. ….Respondents

WITH
WRIT PETITION NO.4460 OF 2026

Vikram Suresh Patil ….Petitioner

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.4461 OF 2026

Machhindra Sadashiv Waghmare ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4477 OF 2026

Devananad Shivaji Kokate & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.4464 OF 2026

Dnyaneshwar s/o Vedu Chaudhari ….Petitioner

Versus

The State of Maharashtra & 2 Ors. ….Respondents

WITH
WRIT PETITION NO.4465 OF 2026

Vilas Ramrao Machave ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4466 OF 2026

Santosh Kisan Sonwane ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4468 OF 2026

Pankaja Maganlal Wagh ….Petitioner

Versus

The State of Maharashtra & 2 Ors. ….Respondents

WITH
WRIT PETITION NO.4467 OF 2026

Sanjay s/o Santosh Patil ….Petitioner

Versus

The State of Maharashtra & 3 Ors. ….Respondents

WITH
WRIT PETITION NO.4469 OF 2026

Yuvraj Chandrabhan Lamb ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4471 OF 2026

Arun Ramkishan Misal ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4474 OF 2026

Ajay s/o Pundlik Shirsath ….Petitioner

Versus

The State of Maharashtra & 2 Ors. ….Respondents

WITH
WRIT PETITION NO.4473 OF 2026

Shivaji Desu Chavan ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4475 OF 2026

Ambika Baliram Bagade ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4478 OF 2026

Swapnali Walmik Patil ….Petitioner

Versus

The State of Maharashtra & 2 Ors. ….Respondents

WITH
WRIT PETITION NO.4480 OF 2026

Amol Vishnu Sanap & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.4481 OF 2026

Vinaykumar Magan Wadekar ….Petitioner

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.4482 OF 2026

Bhagwat Ashok Khod ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4483 OF 2026

Shyamsundar Sadashiv Palse ….Petitioner

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.4484 OF 2026

Kalyan Dnyanoba Sanap & 2 Ors. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH

WRIT PETITION NO.4485 OF 2026

Santosh Laxman Patil ….Petitioner

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH

WRIT PETITION NO.4486 OF 2026

Shesherao Madhavrao Pune ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH

WRIT PETITION NO.4487 OF 2026

Anil Narayan Lohar ….Petitioner

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH

WRIT PETITION NO.4488 OF 2026

Ganesh S/o Gangadhar Kotsthane ….Petitioner

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH

WRIT PETITION NO.4491 OF 2026

Raisa Parveen Mohammad Muneeruddin ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4489 OF 2026

Suryakant Kakasaheb Shinde ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4490 OF 2026

Haribhau Bhaiyasaheb Kakde ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4507 OF 2026

Dashrath Goma Vaykhar ….Petitioner

Versus

The State of Maharashtra & Ors. ….Respondents

WITH
WRIT PETITION NO.4492 OF 2026

Manisha Bhanudas Desale & 10 Ors. ….Petitioners

Versus

The State of Maharashtra & 8 Ors. ….Respondents

WITH
WRIT PETITION NO.4494 OF 2026

Sanjaykumar Vishwanath Bade ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4493 OF 2026

Babasaheb Ashruba Mulik ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4495 OF 2026

Bhagwan Ashruba Pawar ….Petitioner

Versus

The State of Maharashtra & 3 Ors. ….Respondents

WITH
WRIT PETITION NO.4496 OF 2026

Dadasaheb Nanasaheb Pawar ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.4497 OF 2026

Sagar s/o Rewaji More ….Petitioner

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.4510 OF 2026

Madhusudan Vishwaranjan Kulkarni ….Petitioner

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.2762 OF 2026

Babasaheb Ashruba Mulik ….Applicant

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.10270 OF 2025

Mrs. Neelam Prakash Magar & 14 Ors. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.38869 OF 2025
IN
WRIT PETITION NO.10270 OF 2025

Surekha Prabhakar Waydande & 1 Anr. ….Applicants

IN THE MATTER BETWEEN

Mrs. Neelam Prakash Magar & 14 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.38867 OF 2025
IN
WRIT PETITION NO.10270 OF 2025

Mrs. Neelam Prakash Magar & 2 Ors. ….Applicants

IN THE MATTER BETWEEN

Mrs. Neelam Prakash Magar & 14 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.10271 OF 2025
WITH
INTERIM APPLICATION NO.38865 OF 2025
WITH
INTERIM APPLICATION NO.38868 OF 2025

Mrs. Pramila Chandrakant Bhosale & 8 Ors. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.16792 OF 2023

Asha Ambadas Kharat ….Petitioner

Versus

The State of Maharashtra & 3 Ors. ….Respondents

WITH
WRIT PETITION NO.16793 OF 2023

Balasaheb Harishchandra Anpat & 2 Ors. ….Petitioners

Versus

The State of Maharashtra 3 Ors. ….Respondents

WITH
WRIT PETITION NO.16794 OF 2023

Ganesh Jayaji Giram & 3 Ors. ….Petitioners

Versus

The State of Maharashtra 3 Ors. ….Respondents

WITH
WRIT PETITION NO.16795 OF 2023

Gokul Kashinath Kalamkar & 11 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.16796 OF 2023

Shivaji Eknathrao Avhad & 7 Ors. ….Petitioners

Versus

The State of Maharashtra & 3 Ors. ….Respondents

WITH
WRIT PETITION NO.16797 OF 2023

Maharashtra Rajya Divyang Karmachari
Sanghatana & 23 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.16798 OF 2023

Shaila Tukaram Mungase ….Petitioner

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.16799 OF 2023

Rajendra Vitthal Thube & 12 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.16800 OF 2023

Jyoti Eknath Jadhav ….Petitioner

Versus

The State of Maharashtra & 3 Ors. ….Respondents

WITH
WRIT PETITION NO.16801 OF 2023

Khandu Kashinath Bachkar & 3 Ors. ….Petitioners

Versus

The State of Maharashtra & 3 Ors. ….Respondents

WITH
WRIT PETITION NO.16802 OF 2023

Shrikant Fakirba Kolhe & 1 nr. ….Petitioners

Versus

The State of Maharashtra & 3 Ors. ….Respondents

WITH
WRIT PETITION NO.19547 OF 2024

Smt. Sangita Raghunath Sable ….Petitioner

Versus

The State of Maharashtra 5 Ors. ….Respondents

WITH
WRIT PETITION NO.19548 OF 2024

Eknath Dunda Sabale ….Petitioner

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.17568 OF 2025

Kiran Vishnu Ghadage & 32 Ors. ….Petitioners

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.434 OF 2026

Smt. Jayshri Abhiman Pagar & 3 Ors. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.17893 OF 2025

Ravindra Zumber Pimpale & 25 Ors. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.17894 OF 2025

Lalita Madhavrao Dongre & 7 Ors. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.38857 OF 2025

Shivdas S/o. Sadashiv Ginewad & 3 Ors. ….Applicants

Versus

Lalita Madhavrao Dongare & 13 Ors. ….Respondents

WITH
WRIT PETITION NO.17895 OF 2025

Nilesh Bapurao Godhane & 35 Ors. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.38858 OF 2025

Shivdas S/o. Sadashiv Ginewad & 3 Ors. ….Applicants

Versus

Nilesh Bapurao Godhane & 41 Ors. ….Respondents

WITH
WRIT PETITION NO.17896 OF 2025

Mithun Babulal Yadav & 8 Ors. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.38859 OF 2025

Shivdas s/o. Sadashiv Ginewad & 3 Ors. ….Applicants

Versus

Mithun s/o. Babulal Yadav & 14 Ors. ….Respondents

WITH
WRIT PETITION NO.17897 OF 2025

Venkat Hullapa Akkemod & 12 Ors. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.38860 OF 2025

Shivdas S/o. Sadashiv Ginewad & 3 Ors. ….Applicants

Versus

Venkat Hullapa Akkemod & 18 Ors. ….Respondents

WITH
WRIT PETITION NO.17898 OF 2025

Ramkrishna Rangnath Mehetre ….Petitioner

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.17899 OF 2025

Sachin Pitambar Patil & 33 Ors. ….Petitioners

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.38861 OF 2025

Ravindra S/o. Budha Sonawane ….Applicant

Versus

Sachin Pitambar Patil & 40 Ors. ….Respondents

WITH
WRIT PETITION NO.17900 OF 2025

Bajrang Ganpat Godse & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 4 Ors. ….Respondents

WITH
WRIT PETITION NO.17901 OF 2025

Shri Sunil Dagadu More & 13 Ors. ….Petitioners

Versus

The State of Maharashtra 7 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.38862 OF 2025

Ravindra S/o. Budha Sonawane ….Applicant

Versus

Shri. Sunil Dagadu More & 21 Ors. ….Respondents

WITH
WRIT PETITION NO.17902 OF 2025

Shri Ajitkumar Gulabrao Patil & 12 Ors. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
INTERIM APPLICATION NO.38863 OF 2025

Ravindra S/o. Budha Sonawane ….Applicant

Versus

Shri. Ajitkumar Gulabrao Patil & 18 Ors. ….Respondents

WITH
WRIT PETITION NO.17903 OF 2025

Mahendra Maruti Bankar & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.17904 OF 2025

Yogesh Rambhau Aher ….Petitioner

Versus

The State of Maharashtra
through the Secretary & Ors. ….Respondents

WITH
WRIT PETITION NO.17905 OF 2025

Rajendra Govind Jadhav 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 8 Ors. ….Respondents

WITH
WRIT PETITION NO.17906 OF 2025

Hema Suresh Jadhav ….Petitioner

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.17907 OF 2025

Shivaji Mahadev Bodare & 12 Ors. ….Petitioners

Versus

The State of Maharashtra & 8 Ors. ….Respondents

WITH
WRIT PETITION NO.17908 OF 2025

Sunil Vasant Khade & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.17910 OF 2025

Dipali Vikramsing Khanvilkar & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.17911 OF 2025

Asha Dadasaheb Khade ….Petitioner

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.17912 OF 2025

Kalpana Ravindra Ghadge ….Petitioner

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.17913 OF 2025

Manisha Mahadev Kshirsagar & 1 Anr. ….Petitioners

Versus

The State of Maharashtra 6 Ors. ….Respondents

WITH
WRIT PETITION NO.17914 OF 2025

Jyoti Pramod Sankapal & 2 Ors. ….Petitioners

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.17915 OF 2025
WITH
INTERIM APPLICATION NO.2199 OF 2026

Suresh Shivaji Yadav & 11 Ors. ….Petitioners

Versus

The State of Maharashtra & 8 Ors. ….Respondents

WITH
WRIT PETITION NO.17916 OF 2025
WITH
INTERIM APPLICATION NO.2202 OF 2026

Vijay Shiravji Tupe ….Petitioner

Versus

The State of Maharashtra & 8 Ors. ….Respondents

WITH
WRIT PETITION NO.17917 OF 2025

Pralhad Namdev Barkade ….Petitioner

Versus

The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.17918 OF 2025
WITH
INTERIM APPLICATION NO.38866 OF 2025

Mrs. Vijaya Santosh Nilakhe & 1 Anr. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

WITH
WRIT PETITION NO.17919 OF 2025

Mr. Dhanaji Rajaram Deshmukh & 3 Ors. ….Petitioners
Versus
The State of Maharashtra & 6 Ors. ….Respondents

WITH
WRIT PETITION NO.17920 OF 2025
WITH
INTERIM APPLICATION NO.2224 OF 2026

Hanmantrao Shivaji Awaghade & 1 Anr. ….Petitioners
Versus
The State of Maharashtra & 8 Ors. ….Respondents

WITH
WRIT PETITION NO.17921 OF 2025

Mrs. Vanita Hanmant Borate ….Petitioner
Versus
The State of Maharashtra & 2 Ors. ….Respondents

WITH
WRIT PETITION NO.17922 OF 2025
WITH
INTERIM APPLICATION NO.2222 OF 2026

Prakash Bhimaji Raskar & 18 Ors. ….Petitioners
Versus
The State of Maharashtra & 8 Ors. ….Respondents

WITH
WRIT PETITION NO.17923 OF 2025

Kishor S/O Gulabrao Pisa ….Petitioner
Versus
The State of Maharashtra & 2 Ors. ….Respondents

WITH
WRIT PETITION NO.17925 OF 2025

Milind Dau Waghmare & 22 Ors. ….Petitioners

Versus

The State of Maharashtra & 5 Ors. ….Respondents

****

Mr. Narendra V. Bandiwadekar, Senior Advocate a/w. Mr. Vinayak R. Kumbhar, Mr. Rajendra B. Khaire, Mr. Aniket S. Phapale i/b. Ms. Ashwini N. Bandiwadekar, for the Petitioner in WP17921/2025.

Mr. Parag V. Barde (through V.C.), for the Petitioner in WP/4325/2026 and WP/433/2026.

Ms. Padmaja Malgaonkar i/b. Mr. Suresh S. Pakale, Senior Advocate for the Petitioner in WP/834/2026 a/w. connected Writ Petitions.

Mr. Sanjeev Kadam a/w. Mr. Prashant Raul, Ms. Varsha Thorat and Mr. Gaurav Pande, for the Petitioners in WP/10270/2025, WP/10271/2025, WPST/27916/2025 and WPST/27732/2025.

Mr. Suvidh S. Kulkarni, for the Petitioners WP/3436/2026, WP/3462/2026, WP/3465/2026 and WP/3470/2026, WP/4038/2026,WP/4445/2026, WP/4451/2026, WP/4450/2026, WP/4454/2026, WP/4455/2026, WP/4461/2026, WP/4477/2026, WP/4465/2026, WP/4466/2026, WP/4469/2026, WP/4473/2026, WP/4475/2026, WP/4480/2026, WP/4481/2026, WP/4482/2026, WP/4483/2026, WP/4484/2026, WP/4486/2026, WP/4489/2026, WP/4490/2026, WP/4507/2026, WP/4492/2026, WP/4494/2026, WP/4493/2026, WP/4496/2026, WP/4510/2026, WP/16793/2023, WP/16794/2023, WP/16796/2023, WP/16800/2023, WP/16801/2023, WP/16802/2023, WP/19547/2024, WP/19548/2024, WP/17894/2025, WP/17895/2025, WP/17896/2025 and WP/17897/2025.

Ms. Pradnya Talekar (through V.C.) a/w. Mr. Vidyasagar Bhave and Mr. Yogesh Morey i/b. Talekar and Associates, for the Petitioners in WP/17899/2025,WP/4452/2026,WP/4460/2026,WP/4464/2026,WP/

4468/2026,WP/4467/2026,WP/4474/2026,WP/4478/2026,WP/4485/2026, for the Petitioners and for the Applicant in IA/2036/2026.

Mr. Arvind G. Ambetkar a/w. Mr. Sandeep Gupta, for the Petitioner in WP/4488/2026.

Mr. Bhupesh Patil (through V.C.), for the Petitioner in WP/17923/2025.

Mr. Saurabh Patil a/w. Mr. Dhanraj Lodha a/w. Ms. Dharni Divekar and Mr. Kiran Shinde i/b. Tungar Hrishikesh, for the Petitioner in WP/4033/2026.

Mr. Vivek B. Rane, for the Petitioner in WP/2729/2026,WP/2771/2026,WP/2774/2026 and WP/2997/2026.

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

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

Mr. S. B. Pulkundwar (through V.C.) for Respondent Nos.5 and 6 in WP/17895/2025, WP/17894/2025,WP/17897/2025,WP/17896/2025 and WP/1444/2026.

Mr. Ashwin R. Kapadnis, for the Nashik Zilla Parishad in WP/8611/2023, WP/433/2026, WP/434/2026, WP/834/2026, WP/2971/2026, WP/2997/2026 and WP/2378/2026.

Mr. Pandurang H. Gaikwad a/w. Mr. S. V. Gavand, for Respondent Nos.6 and 7 in WP/17568/2025.

Mr. Kedar B. Dighe, for Respondent Nos.2,4 and 5-PCMC in WP/2729/2026.

Mr. P. P. Kakade, Addl. GP a/w. Mr. V. G. Badgujar, AGP, Ms. Priyanka Chavan, AGP, Ms. P. N. Diwan, AGP for the Respondent-State.

Ms. Sejal Pawar, Law Consultant, Persons with Disability Empowerment Department, present.

Mrs. Sunita Ghadiyale, Deputy Secretary, Persons with Disability Empowerment Department, present.

****

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

RESERVED ON : 09th APRIL, 2026

PRONOUNCED ON : 06th MAY, 2026

JUDGMENT (PER : RAVINDRA V. GHUGE, J.)

INDEX

Sr. No.	Particulars		Page Nos.
1.	Specimen prayers reproduced from some Petitions		31- 43
2.	Summary of the oral submissions on behalf of the Petitioners		43 - 58
3.	Summary of the oral submissions on behalf of the Respondents/State and the Zilla Prishad		58 - 65
4.	Submissions on behalf of Respondent Nos.2, 4 and 5 (Writ Petition No.2729 of 2026)		65 & 66
5.	Submissions on behalf of Respondent Nos.6 and 7 (Writ Petition (St) No.40880 of 2025		66 -73
6.	**Our Analysis and Conclusions**		73 to 139
	(a)	*Salient features of the Rights of Persons with Disabilities Bill, 2014*	(85 - 87)
	(b)	*Primary objects of the RPwD Act, 2016*	(88)
	(c)	*The Schedule - Specified Disability*	(89 - 93)

	(d)	*The Rights of Persons with Disabilities Act, 2016*	(93 - 96)
	(e)	*The Rights of Persons with Disabilities Rules, 2017*	(97 -98)
	(f)	*Order and Directions*	(132 -139)
7.	Annexure 'X' Enclosed		140 - 147

1. **Rule.** Rule made returnable forthwith and heard finally by consent of the parties.

2. The prayers put forth by the Petitioners in all these Petitions, are more or less similar. As such, we are reproducing some of the prayers, as specimens, which broadly cover the grievances put forth by these Petitioners, hereunder :

WRIT PETITION NO.17568 OF 2025

> *(A) This Hon'ble Court be pleased to exercise the jurisdiction vested in it under Article 226 of the Constitution of India and issue a Writ of Certiorari or a Writ in the nature of Certiorari or any other appropriate Writ, and call for papers and proceeding from the custody of the Respondent Nos. 6 and 7 in respect of the impugned and respect Orders/Communications dated 11th December 2025* ***(Exhibit L)*** *and after examining the legality, validity and judicial propriety thereof, quash and set aside the same.*
>
> *(B) This Hon'ble Court be pleased to exercise powers vested in it under Article 226 of the Constitution of India and issue a writ of Mandamus and/or Writ in the nature of*

Mandamus, Order and direction directing Respondent Nos. 6 and 7 not to take any action on the basis of the impugned Orders/Communications dated 11th December 2025 ***(Exhibit L)****, and further not to disturb them and/or transfer them from their present schools as specifically set out* ***(Exhibit A)*** *to the Petition and further not to transfer any other teacher to the schools where the Petitioners are presently posted.*

(C) This Hon'ble Court be pleased to give a declaration that the impugned Govt. Resolution dated 16th June 2025 ***(Exhibit N)*** *is ultra vires to Section 56 of the Rights of Persons with Disabilities Act, 2016 r/w. The Maharashtra Zilla Parishad (Discipline & Appeal) Rules, 1967, and, so, the same is liable to be set aside.*

(D) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to stay the execution and implementation of the Orders/Communications dated 11th December 2025 ***(Exhibit L)***

(E) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to Respondent Nos. 6 and 7 not to take any action on the basis of the impugned Orders/Communications dated 11th December 2025 ***(Exhibit L)****, and further not to disturbed them and/or transfer them from their present schools as specifically set out* ***Exhibit A*** *to the Petition and further not to transfer any other teacher to the schools where the Petitioners are presently posted.*

WRIT PETITION NO.834 OF 2026

(A) this Hon'ble Court be pleased to exercise the jurisdiction vested in it under Article 226 of the Constitution of India and issue a Writ of Certiorari or a Writ in the nature of Certiorari or

any other appropriate Writ, and call for papers and proceeding from the custody of the Respondent Nos. 2, 4 and 5 in respect of the impugned Communications dated 7th January 2026 ***(Exhibit F)*** *and 8 th January 2026* ***(Exhibit G)*** *and after examining the legality, validity and judicial propriety thereof, quash and set aside the same.*

(B) this Hon'ble Court be pleased to exercise powers vested in it under Article 226 of the Constitution of India and issue a writ of Mandamus and/or Writ in the nature of Mandamus, Order and direction directing Respondent Nos. 2, 4 and 5 not to take any action on the basis of the impugned Communications dated 7th January 2026 ***(Exhibit F)*** *and 8th January 2026* ***(Exhibit G),*** *and further Respondent Nos. 4 and 5 be restrained from making the Petitioners to appear before Respondent No. 2 and Respondent No. 2 be directed not to undertake re-assessment/re-verification process of the Petitioners disability as per the direction of Respondent Nos. 4 and 5 and not to take punitive action on the basis of the report to be submitted by Respondent No. 2.*

(C) This Hon'ble Court be pleased to give a declaration that the impugned Govt. Circular dated 16th June 2025, Govt. Resolution dated 9th October 2025 and DO Order dated 18th September 2025 ***(Exhibit M Colly.)*** *are ultra vires Section 56 of the Right of Persons with Disabilities Act, 2016, r / W the Maharashtra Zilla Parishad (Discipline & Appeal) Rules 1967, and so the same is liable to be set aside.*

(D) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to stay the execution and implementation of the impugned Communications dated 7th January 2026 ***(Exhibit F)*** *and 8th January 2026* ***(Exhibit G),*** *and further Respondent Nos. 4 and 5 be*

restrained from making the Petitioners to appear before Respondent No. 2 for re-verification and re-assessment of their disability and further Respondent No. 2 be directed not to undertake re-assessment/re-verification process of the Petitioners disability as per the direction of Respondent Nos. 4 and 5 and not to take punitive action on the basis of the report to be submitted by Respondent No. 2.

(E) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to direct Respondent Nos. 2, 4 and 5 not to take any action on the basis of the impugned Govt. Circular dated 16th June 2025, Govt. Resolution dated 9th October 2025 and DO Order dated 18th September 2025 ***(Exhibit M colly.)*** *and Communication dated 7th January 2026* ***(Exhibit F)*** *and 8th January 2026* ***(Exhibit G)*** *and the report to be submitted by Respondent No. 2.*

WRIT PETITION NO.2729 OF 2026

(A) This Hon'ble Court be pleased exercise the jurisdiction vested in it under Article 226 of the Constitution of India and issue a Writ of Certiorari or a Writ in the nature of Certiorari or any other appropriate Writ, and call for papers and proceeding from the custody of the Respondent No.s 2, 4 and 5 in respect of the impugned Circular dated 03.02.2026 ***(Exhibit H)*** *and communication dated 10.02.2026* ***(Exhibit L)*** *and after examining the legality, validity and judicial propriety thereof, quash and set aside the same.*

(B) This Hon'ble Court be exercise powers vested in it under Article 226 of the Constitution of India and issue a Writ of Mandamus or a Writ in the nature of Mandamus, Order and Direction directing the Respondent Nos. 4 and 5 not to take any action on basis of the impugned Circular

dated 03.02.2026 ***(Exhibit H)*** *and communication dated 10.02.2026* ***(Exhibit L)*** *and further Respondents No. 4 and 5 be restrained from making the Petitioner to appear before Respondent No.2 and Respondent No. 2 be directed not to undertake re-assessment/ re-verification process of the Petitioners disability as per the direction of Respondent Nos. 4 and 5 and not to take punitive action on the basis of the report to be submitted by Respondent No.2.*

(C) This Hon'ble Court be pleased to give a declaration that the impugned Govt. Resolution dated 16th June 2025, Govt. Resolution dated 9th October 2025 ***(Exhibit E colly.)*** *is ultra vires to Section 56 of the Right of Persons with Disabilities Act, 2016 r/w. The Maharashtra Corporation (Discipline & Appeal) Rules, 1967, and, so, the same is liable to be set aside.*

(D) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to stay the impugned Circular dated 03.02.2026 ***(Exhibit H)*** *and communication dated 10.02.2026* ***(Exhibit L)*** *and further Respondents No. 4 and 5 be restrained from making the Petitioners to appear before Respondent No.2 and Respondent No. 2 be directed not to undertake re-assessment/ re-verification process of the Petitioners disability as per the direction of Respondent No. 4 and 5 and not to take punitive action on the basis of the report to be submitted by Respondent No.2.*

(E) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to direct Respondent Nos. 2, 4, and 5 not to take any action on the basis of the impugned Govt. Circular dated 16th June 2025, Govt Resolution dated 9th October 2025 and impugned Circular dated 03.02.2026 ***(Exhibit H)****, communication dated 10.02.2026* ***(Exhibit L),*** *and the report to be submitted by Respondent no.2.*

WRIT PETITION NO.17921 OF 2025

(A) Rule Nisi be issued, and records and proceedings be called for.

(B) By a suitable writ, order or direction, this Hon'ble Court may be pleased to quash and set aside the impugned order dated 6.8.2025 issued by the Respondent No. 3, and accordingly, the Petitioner be held to be entitled to the benefits of Clause 1.8 r/w. Clause 4.2 of the Government Resolution dated 18.6.2024 issued by the Respondent No. 1, and accordingly, the Respondent Nos. 2 and 3 may be directed not to consider the name of the Petitioner for transfer in the Intra-District Teacher Transfer Process 2025.

(C) Pending the hearing and final disposal of this Writ Petition, the execution, operation and implementation of the impugned order dated 6.8.2025 issued by the Respondent No. 3, may kindly be stayed.

(D) Pending the hearing and final disposal of this Writ Petition, the Respondent Nos. 2 and 3 may be restrained from taking coercive steps/action against the Petitioner, including the transfer of the Petitioner from the present school, i.e. Zilla Parishad Primary School, Lonand Boys-2, on the basis of the impugned order dated 6.8.2025 issued by the Respondent No. 3.

Amended vide leave granted on 19.12.2025

(D1) By a suitable writ, order or direction, this Hon'ble Court may be pleased to quash and set aside the impugned order dated 12.2025 [EXHIBIT-O] issued by the Respondent No. 3 directing the Petitioner to subject herself to re-inspection of her Divyang Certificate before the

District Hospital, Aundh, Pune [Sangavi Phata] and accordingly it be held and declare that the Respondent Nos. 2 and 3 do not have any power, authority and jurisdiction to order such re-inspection of Divyang Certificate of the Petitioner.

(D2) Pending the hearing and final disposal of this Writ Petition, the execution, operation and implementation of the impugned order dated .12.2025 [EXHIBIT-O] issued by the Respondent No. 3, may kindly be stayed.

(D3) Pending the hearing and final disposal of this Writ Petition, the Respondent Nos. 2 and 3 may be restrained from taking any further action or steps against the Petitioner on the basis of the re-inspection of DivyangCertificate of the Petitioner conducted by the District Hospital, Aundh, Pune [Sangavi Phata] in pursuance of the impugned order dated 12.2025 [EXHIBIT-O] issued by the Respondent No.3.

WRIT PETITION NO.17899 OF 2025

(A) To quash and set aside the impugned Communication dated 10.10.2025 issued by the respondent No.6- CEO Jalgaon ***(EXHIBIT-"H" Colly)****, by issuing a writ of certiorari, or any other writ, order or direction as the case may be;*

(B) To grant an interim stay to the impugned Communication dated 10.10.2025 issued by the respondent No.6- CEO Jalgaon ***(EXHIBIT-"H" Colly),*** *pending hearing and final disposal of this petition;*

(C) To grant interim injunction restraining the respondents, their agents, their subordinates from implementing, giving effect to the impugned Communication dated 10.10.2025 issued by the

respondent No.6- CEO Jalgaon ***(EXHIBIT-"H" Colly)****, pending hearing and final disposal of this petition;*

WRIT PETITION NO.16796 OF 2023

(A) Rule may kindly be issued.

(B) That, this Hon'ble Court may please to pass a necessary writ, order or direction in like nature and quash and set aside the impugned communication dated 11/07/2023 to the extent of the petitioners issued by respondent no.3, thereby referring the petitioners to the Dean of Sasun Hospital at Pune.

(C) That, this Hon'ble Court may please to pass necessary writ, order or direction in like nature and direct the respondent no.3 to prohibit from directing the petitioners to appear before the medical board at Sasun Hospital or any other recognized hospital for reverification in view of the fact that, the petitioners are already subjected for reverification and is in violation of section 3,6 & 7 of the Act 2016.

(D) Pending hearing and final disposal of the present writ petition, the effect, operation, and execution of the impugned communication dated 11/07/2023 to the extent of the petitioners issued by respondent no.3, thereby referring the petitioners to the Dean of Sasun Hospital at Pune.

(E) Pending hearing and final disposal of the present writ petition, no coercive action may be taken in respect of the petitioners.

[READ 'SASOON' HOSPITAL]

WRIT PETITION NO.4325 OF 2026

(A) By issuing an appropriate writ, order, direction or any other order in the nature of a writ, the Hon'ble High Court may be pleased to quash and set aside the communication dated 11.02.2026 issued by the Chief Executive Officer, Zilla Parishad Ahilyanagar.

(B) Pending hearing and final disposal of this Writ Petition, Hon'ble High Court may be pleased to stay the effect, implementation, execution and operation of the communication dated 11.02.2026 petitioner issued by respondents.

WRIT PETITION NO.17896 OF 2025

(Old Writ Petition No 13552 of 2025)

(A) Rule may kindly be issued.

(B) That, this Hon'ble Court may please to issue necessary writ, order, or direction in like nature and quash and set aside the impugned communication, much less an order dated 16/09/2025, 19/09/2025 & 26/09/2025 issued by respondent no.6 upon the order passed by the respondent no.5.

(C) That, this Hon'ble Court may please to pass a necessary writ, order or direction in like nature and direct the respondents Nos 5 & 6 to prohibit them from directing the petitioners to appear before the District committee at Nanded or any other recognised hospital for reverification.

(D) Pending hearing and final disposal of the present writ petition, the effect, operation, and execution of the impugned communication dated 16/09/2025, 19/09/2025 & 26/09/2025 to the extent of the petitioners issued by respondent no.6, thereby referring the petitioners to the District Committee at Nanded.

(E) Pending hearing and final disposal of the present writ petition, no coercive action may be taken in respect of the petitioners.

CIVIL APPLICATION NO. 38859 of 2025
IN
WRIT PETITION NO.17896 OF 2025
(Old Writ Petition No 13552 of 2025)

(A) This Hon'ble Court may kindly direct the petitioner to add the applicant as party respondent in the array of Writ Petition No. 13552/2025.

(B) Any other relief deemed fit may please be granted

WRIT PETITION NO.10270/2025

(A) The rule be issued.

(B) That by an appropriate writ, order, direction issued by this Hon'ble Court, the record and proceedings of the reports, if any, regarding the Petitioner's disability enquiry be called for.

(C) That by an appropriate writ, order, direction issued by this Hon'ble Court, the directions in clause 3 of the Government resolution dated 16.06.2025 may kindly be declared illegal, and the same may be quashed and set aside.

(D) That the consequential show cause notices dated 08.07.2025 and/or any action against the Petitioners on the basis of reports in view of the G. R. dated 16.06.2025 may kindly be quashed and set aside.

(E) Pending the hearing and final disposal of the present writ petition, the effect, operation, and implementation of para 3 of the Government Resolution dated 16.06.2025, and any steps consequential thereto, including the show cause notices, may kindly be stayed.

…..
…..

(H) That by an appropriate writ, order, direction issued by this Hon'ble Court, an undated communication/order/notice issued by the Education Officer, Satara Zilla Parishad (outward Education/Pri/Aastha-1/9854/2025) directing the Petitioners for second re-examination, may kindly be declared illegal and the same may be quashed and set aside.

(H1) That pending the hearing and final disposal of the present writ petition, the effect, operation, and implementation of an undated communication/order/notice issued by the Education Officer, Satara Zilla Parishad (outward No. and any steps Education/Pri/Aastha-1/9854/2025) consequential thereto may kindly be stayed.

(H2) Ad-interim relief in terms of the prayer clause (hl) above may kindly be granted.

INTERIM APPLICATION NO.38868 OF 2025
IN
CIVIL WRIT PETITION NO.10271 OF 2025

(A) That pending the hearing and final disposal of the main writ petition No. 10270 of 2025, any further action, including transfer on the basis of the issue of an alleged improper disability certificate, may kindly be stayed.

INTERIM APPLICATION NO.38869 OF 2025
IN
CIVIL WRIT PETITION NO.10270 OF 2025

(A) That this Hon'ble Court be pleased to set aside the orders of suspension of the Applicants passed on 01.08.2025.

(B) That pending the hearing and final disposal of 14 pt of the main writ petition No. 10270 of 2025, the effect and operation of the suspension orders dated 01.08.2025 may kindly be stayed.

INTERIM APPLICATION NO.38867 OF 2025
IN
CIVIL WRIT PETITION NO.10270 OF 2025

(A) That the letters/directions issued to the applicants, subjecting them to examination, may kindly be quashed and set aside.

(B) That pending the hearing and final disposal of the main writ petition No. 10270 of 2025, the Letters/directions issued to applicants, subjecting them to re-examination, may kindly be stayed.

WRIT PETITION NO. 4468 OF 2026

(A) To quash the impugned order dated 23.01.2026, placing the petitioner under suspension issued by the Chief Executive Officer, Zilla Parishad, Jalgaon (EXHIBIT-"G") by issuing writ of certiorari or any other writ, order or direction.

(B) To grant an interim stay to the operation, execution and implementation of the impugned order dated 23.01.2026, placing the petitioner under suspension issued by the Chief Executive Officer, Zilla Parishad, Jalgaon (EXHIBIT-"G"), pending hearing and final disposal of the Writ Petition.

(C) To direct the respondents to grant all consequential benefits as a sequel to the quashing of the impugned order dated 23.01.2026, placing the petitioner under suspension issued by the

Chief Executive Officer, Zilla Parishad, Jalgaon, by issuing writ of mandamus or any other writ, order or direction.

(D) To quash and set aside the Government Resolution dated 09.10.2025 issued by the Persons with Disabilities Welfare Department, Mantralaya, Mumbai (EXHIBIT-"E"), by issuing a writ of certiorari, or any other writ, order or direction as the case may be.'

3. We have extensively considered the oral submissions of the learned Senior Advocates/Advocates/Additional G.P./AGPs, for the appearing parties. All of them have tendered lengthy written notes of submissions. We do not wish to enlarge the size of this Judgment by referring to their entire written submissions. Suffice it to say that we are summarising their oral and written submissions and would be adverting to them as we delve upon the issues raised in all these cases.

SUMMARY OF THE ORAL/WRITTEN SUBMISSIONS ON BEHALF OF THE PETITIONERS

4. The oral and written submissions of the Counsel on behalf of the Petitioners, are summarised in the following paragraphs.

A] Whether the Zilla Parishad is having power/jurisdiction to direct the Petitioners for re-verification and re-assessment?

a. Some of the Petitioners have joined service from the disability quota and have completed almost 15 to 20 years in employment. Prior to their appointments, they were subjected to physical fitness tests and medical documents were also verified. Some developed disabilities during their employment, either due to illness or an accident.

b. Some of the Petitioners were appointed from the disability quota in view of Rule IV of Maharashtra Zilla Parishad District Service (Recruitments Rule) 1967, after due examination and scrutiny of their documents, including medical records. Their service records have been updated accordingly.

c. New norms of the medical examination regarding percentage of disability are introduced under the 2016 Act and most of the Petitioners were appointed prior thereto.

d. The Petitioners rely upon para 12 and 13 of the interim order dated 03.05.2023 passed by the Aurangabad bench of this Court in WP No. 4756 of 2023 in the case of ***Jandeo Navnath Mutkule vs. The State of Maharashtra & Ors.,*** which reads as under:

> *"12. As far as new norms of the medical examination regarding percentage of disability are concerned, those are made under the Persons With Disabilities Act, 2016.*
>
> *13. Admittedly, the Petitioner is appointed on 05.10.2005 as Shikshan Sevak and from time to time he had given disability certificates to the Respondents. Therefore, it is very difficult to accept that he had committed any fraud while submitting his disability certificates. Further the norms as per provisions of the Persons With Disabilities Act, 2016 cannot be applied to the case of the Petitioner retrospectively. Therefore, action against Petitioner on the basis of alleged fraud and disciplinary action as well as suspension is not justifiable and sustainable. It causes injustice to him. The Chief Executive Officer Respondent No.2, Zilla Parishad, Beed and Education Officer, Zilla Parishad, Beed have erred in taking disciplinary action against the Petitioner, which is not sustainable in the eye of law. Hence, the disciplinary action and the letter dated 06.04.2023 deserve to be quashed and set aside. The argument of the learned AGP is, therefore, not acceptable in this regard."*

e. The Petitioners, who have suffered or met with an injury during the course of service and have availed the PwD benefits, are in receipt of disability certificates in State format, Central format or the UDID cards. These certificates have been issued to the Petitioners by duly constituted Medical Boards, several years ago.

f. Hence, in view of Rule 19, once a certificate of disability is found to be valid in the eyes of law, the Petitioners are entitled for the facilities, concessions and benefits as per the schemes of the government.

B] Whether an alternate remedy is available?

a. Chapter-X of the 2016 Act deals with certification of specified disabilities. Section 59 of the said Act provides an appeal against a decision of the certifying authority, wherein any person aggrieved with the decision of the certifying authority may file an appeal to the appellate authority and the appellate authority shall decide the same in accordance with law. The State has not filed any statutory appeal before the competent authority.

b. Government Resolution or executive instructions cannot override the statutory provisions.

c. 'Any person' u/s 58 & 59 denotes, an employee/ candidate.

d. Petitioners have tendered an application in view of Rule 17 of the 2016 Act to the medical authority, through the competent authority and the competent authority/ medical authority has issued

certificates of disability under Rule 18 after assessing their disability.

e. Unless and until the disability certificate granted to the Petitioner by the duly constituted medical board is not set aside, the Respondent State will not have any authority to direct the Petitioners to submit them for re-verification and re-examination.

C] Whether the Respondents have power to review ?

There is no provision in the 2016 Act along with its rules vesting the Respondents with the power of review or revision.

D] Whether the order of suspension is maintainable in the eyes of law ?

a. It is a settled principle of law that prior to issuance of order of suspension, the employee ought to have been served a show cause notice. However, in the case of Beed district the Respondent Zilla Parishad has suspended its employee without issuance of show cause notice (reason for suspension – employees are not having UDID card). The said employees have already applied for UDID Cards and they have placed a copies of the applications on record.

b. Disability certificates issued to the Petitioners are permanent in nature and have been issued after following the due procedure of law.

c. The show cause notices are in contravention of Rule 18, 19 and 20 of Rights of Persons with Disabilities (Rules) 2017.

d. Rule 20 lays down that the certificate issued under the 1995 Act shall continue to be valid after the commencement of the 2016 Act for period specified therein. Therefore, action of the Government for re-examination, re-scrutiny is contrary to the rules framed by the Government itself.

e. The Act of 2016 does not permit the authorities to re-examine the persons holding certificates.

f. According to Section 102 of the 2016 Act, any action taken under the 1995 Act is deemed to have been taken under the new Act.

g. Government Resolution dated 16.06.2025 applies to teachers covered by class-1 of the special category as per earlier GR dated 18.06.2024. This class contains the categories as laid down under GR dated 14.01.2011. Perusal of the said GR dated

14.01.2011, makes it clear that the certificates issued prior to the said resolution are considered to be valid for all purposes. Hence, the certificates issued prior to 2011 are also valid.

h. The State has no power to inspect or scrutinize the UDID certificate issued by the Central Government.

i. The RPwD Act, 2016 is a Central legislation and State Government has no power to issue a resolution or notification which supplants the provision of 2016 Act or rules framed thereunder.

j. State Government can only scrutinize the genuineness of certificate issued to the disabled persons.

k. The circular issued by the Commissioner for Welfare of the Disabled Persons lays down that the authority issuing certificate has no power to review the same. It is a settled law that an authority passing an order cannot review the same.

l. Out of 30 Petitioners in this group, 23 have not secured employment on the basis of disability certificate quota. 26 candidates are in service for almost 23 years. 9 candidates have not availed any benefits under the provisions of the disability Act.

5. In view of the above, the Petitioners submit that the issues before this Hon'ble Court are as under :

A. Whether the Act of 2016 and the Rules of 2017 recognize the rights of employers to ask its employees with disability certificates or with benchmark disability to undergo a fresh assessment of their disability ?

a. Section 2(r) defines persons with benchmark disability to mean a person with not less than 40 percent of a specified disability.

b. Section 2(s) defines a person with disability, Section 2(t) defines a person with disability having high support needs and Section 2(zc) defines specified disability.

c. Under the Act of 2016, a benchmark disabled person is entitled to avail reservation in employment as provided u/s 34 Chapter VI of the Act.

d. Such person is entitled to employment under the reserved quota. However, the position of an employee who is already in service and has acquired disability during the course of

employment, is different. 40% disability is not required for such employees. The only requirement for them is that they should be certified as disabled by the certifying authority in accordance with the act and rules. Where the specified disability has been defined in measurable terms in the schedule, 40% specified disability is not required to be qualified for benefits.

e. Under Rules 17-20 of the Rules of 2017 and Section 59 of the Act of 2016, if employers are aggrieved with the decision of the certifying authority, they can file appeals. However Z.Ps. have not filed any such appeal before the appellate authority.

f. In that view, the action of forcing the Petitioner to go for reassessment of their disability is illegal and violative of S.3, 6, 7 and 20 of the said Act.

g. Authenticity of the certificates submitted by the candidates seeking employment, are to be verified during the recruitment process. If it is found that the certificate submitted by the candidates are forged or obtained by fraud, fabrication etc. punitive action is permissible in law. However, employer cannot suo-moto re-assess the authenticity of the certificates without a lawful reason.

h. The process of re-assessment undertaken by the ZP are not in conformity with S.56, 58 of the Act and Clause 17 and 18 of the Rules.

i. The Respondent State has been issuing appropriate instructions directing the Z.P. to undertake the verification of documents and not re-assessment of the same.

B. Whether the Respondent ZP is entitled to take action against the Petitioners whose disability is found to be less than 40% in the re-assessment process?

a. There is no requirement of 40% to be fulfilled by persons who are already in employment. The only requirement for persons who acquire disability during the course of service is that they should have a disability certificate issued by the certifying authority.

b. Disability or illness is degenerative/progressive or curable, therefore, improvement is natural. Hence no fault could be attributed to the Petitioners if the disability is found to have decreased by the certifying authority.

C. Whether there are any guidelines for assessment by issuing administrative/executive instructions ?

a. The Respondent State has no power and authority to prescribe the guidelines for the purpose of assessing the extent of disability in view of S.56 of the Act. Such powers are not delegated to the State Government under the act and the State Government cannot supersede statutory provisions by administrative or executive instructions.

D. Whether the Petitioners are entitled for protection u/s 3, 6, 7 and 20 of the Act of 2016 ?

a. The Petitioners are certified as disabled by the certifying authority under the act enacted by the Central Government for empowerment of disabled persons.

E. The exercise undertaken by the Respondent Education Officer is unsustainable in law. He has no power and authority to take any action against the Petitioner teachers. The impugned actions frustrates the very object of the Act and violates Section 3 and Section 6 of the said Act.

a. Respondent EO has recorded an ex-parte observation that the Petitioners have committed misconduct as defined under Clause 3 of The Maharashtra Zilla Parishad District Services (Conduct) Rules, 1967 i.e. every Parishad servant shall at all times maintain absolute integrity and devotion in duty. According to the Petitioners the Respondent EO has misread the whole issue and has initiated the impugned action.

b. The Respondent EO has proceeded on the assumption that the Petitioner had misguided the Z.P. by furnishing incorrect information. The said assumption is baseless as no such allegations were ever made against the Petitioners.

c. Moreover, Respondent No.7 is neither the appointing authority nor the disciplinary authority as provided under the relevant rules and, hence, has no power to take any punitive action against the Petitioners.

d. Respondent No.7 has not followed the statutory procedure prescribed under the rules. Respondent No.7 has recorded its *ex-parte* observation without giving the Petitioners the opportunity of being heard, thereby violating the principles of natural justice.

F. The Circular dated 16.06.2025 on the basis of which the impugned action was initiated, is ultra vires Section 56 of the Act.

a. Vide the said Circular the Respondent State notified guidelines for the purpose of assessing the extent of a specified disability in a person. On the basis of the said Circular, the disability of the Petitioners was freshly assessed by the certifying authority (3 members committee). The said authority submitted its report to the Respondent Z.P. and, on the basis of the said report, the impugned action was initiated by the Respondent EO.

b. The Respondent State has no power and authority to issue the said Government Circular and prescribe/notify guidelines for assessing the extent of specified disability in a person.

c. Clause 5 of the said Circular is also ultra vires the Maharashtra ZP (Discipline & Appeal) Rules 1967.

G. The three Members Committee of Satara District (Certifying Authority) has no power to review its own decision.

a. It is settled principle of law that unless a power of review is specifically or by necessary implication provided, the authority cannot review its own decision, unless the order is obtained by exercising fraud. The phrase fraud is not a colloquial term, but it has a judicially recognized ambit. It is not the case of the Respondent that the Petitioners have obtained the certificate by playing fraud. Therefore, the exercise undertaken by them is not sustainable in law.

b. The Circular is ultra vires Section 56. Moreover, there is a specific provision of appeal u/s 59 of the Act r/w Rule 8 of the Maharashtra State Rights of Persons with Disabilities Rules, 2024, for persons aggrieved by the certifying authority.

c. Re-verification and re-assessment of the disability certificate or the disability is not permissible.

d. Respondent No.7 forcibly compelled the Petitioners to appear before the District Civil Surgeon, Satara for their re-verification of their certificates. The said Authority re-assessed the Petitioners by applying new standards introduced by the Central Government vide Government Resolution dated 12.03.2024. Such

exercise is not permissible and contrary to the mandatory provisions of the Act and the Rules.

e. Respondent No.8 has no power or authority to direct re-assessment of the disabilities of the Petitioner without following Chapter V of Rules of 2024. Neither Respondent No.6 and Respondent No.7 nor Respondent No.8, have disclosed the reason for re-assessing. Respondent No.9 cannot sit in appeal over the decision of the Civil Surgeon, Satara.

f. The original certificate was issued to the Petitioners after examination of their disability by the Competent Authority/Certifying Officer. Thereafter, when the new Act came into being, they were once again asked to take similar exercise as it was done earlier and the Competent Authority/Certifying Officer once again examined the Petitioners and the Petitioners were issued disability certificates (more than 40%). Similar exercise was undertaken when UDID cards were issued in their favour. The said certificate is not challenged or set aside by the Competent Authority. In view of the same the impugned exercise undertaken by the Respondents are unwarranted and unconstitutional.

g. The Petitioners submit that the Hon'ble Supreme Court, while dealing with the provisions of S. 47 of the old Act observed that the benchmark disability of 40% is not a requirement to avail the benefits provided to the person with disability after entering into service.

SUMMARY OF THE ORAL SUBMISSIONS ON BEHALF OF THE RESPONDENT STATE AND THE Z.P.

6. Action of the State Government under challenge, is the initiation of a verification /scrutiny and assessment of Persons with Disabilities (PwD), working in the Government/ Semi-government/ Government aided institutions conducted by the State Government. It is necessary to look into the objects and reasons of the Rights of Persons with Disabilities Act, 2016 (RPwD Act), which came into effect on 19.04.2017. Object of the Act is to give effect to the United Nations Convention on the Rights of Persons with Disabilities. India is a signatory to the said Convention and has ratified the said Convention on 01.10.2007.

7. The Convention lays down the following principles for empowerment of persons with disabilities :-

(a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(b) non-discrimination;

(c) full and effective participation and inclusion in society;

(d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

(e) equality of opportunity;

(f) accessibility;

(g) equality between men and women;

(h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;

The said Act replaced the erstwhile Persons with Disabilities (equal opportunities, protection of rights and full participation) Act,1995 with a more comprehensive and a rights based legislation. The said Act expanded the scope of Disabilities from 7 to 21 specified disabilities.

8. The verification/scrutiny exercise conducted by the State Government, was needed because the State Government has been receiving large complaints from various departments and

individuals that several employees in Government services are using bogus disability certificates/non genuine certificates/ temporary or below benchmark disabilities certificates/ UDID cards and working in the government establishments and are also obtaining benefits that are reserved exclusively for persons with benchmark disabilities.

9. It is the submission of the State that due to the number of complaints received by them, that they considered it necessary to undertake a systematic and uniform Re-verification of the disability certificates. A number of employees refused to appear for the medical check-up and approached this Court.

10. Chapter X of the Act, deals exclusively with the process of certification for individuals who wish to obtain a disability certificate. Sections 56 and 57 of the Act lay down guidelines for assessment and designation of certifying authorities. These provisions govern the process by which a person with disability applies for certification.

11. It is the contention of the Petitioners that if the State Government was dissatisfied with the disability certificate issued to

them by a certifying authority, it should have followed the appellate procedure prescribed u/s 59 of the Act. To answer this, the State submits that the present verification exercise, is not an appeal against the certification decision, but it is a policy driven verification process undertaken by the Government in their capacity as the employer to ensure compliance with the statutory eligibility requirements for reservation and service benefits.

12. An individual who wishes to avail the benefits under the Act must necessarily undergo the certification process under Chapter X and obtain a UDID card through “Swavalamban portal”. Rule 18 of the Rights of Persons with Disabilities Rules, 2017 assigns colour bands to each category of disability.

13. Section 2(s) defines a person with disability, while Section 2(r) defines “persons with benchmark disability” as one having at least 40% disability. Only persons with benchmark disabilities are entitled to job reservations and other benefits. Many Petitioners fear that if they undergo a verification/scrutiny/assessment, their disability percentage may be found to be less than 40%. If such a finding emerges, their

continued enjoyment of service/job benefits would amount to fraudulent availing of such benefits and would attract penal consequences u/s 91 of the Act.

14. The State acted fully in accordance with the provisions of RPwD Act, 2016 and is entitled to invoke Section 91 of the Act which reads as under :

> *'91. Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities.—Whoever, fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.'*

15. Before the Petitioners obtained interim stays from the Court, the verification process had already uncovered around 350 government employees with bogus disability claims. The Government Resolution dated 09.10.2025, mandates UDID card for PwD in all government, semi-government and grant-in-aid institutions and further allows verification/scrutiny of all government employees claiming disability benefits. If any employee is found to have not submitted UDID card or has disability below 40% or is using a fake or incorrect certificate, action u/s 91 is permissible. The GR made it compulsory for every department to

complete the verification process and submit its report within 3 months.

16. The Central Government, on 03.03.2023, made UDID card compulsory from 01.04.2023. On 27.06.2024, the State Government provided one year extension to the persons using old disability certificates to obtain UDID card and this deadline ended on 26.06.2025. The State submits that they cannot allow a person to continue in service (who entered through reservation on a post with a benchmark disability), when the disability fell below the benchmark after the medical re-verification.

17. The Supreme Court in ***Vikash Kumar vs. UPSC*** observed that the nature of impairment u/s 2(s) requires that the impairment should be long term. The State submits that by this logic, if the percentage of any individual is coming down below the benchmark, it clearly indicates that the disability was never long term.

18. After perusal of the petitions, the State submits that, more than 90% of the Petitioners in Nashik district fall in the 'hearing impairment' category and more than 90% in Satara district

fall under ‘locomotor’ disability. Majority of the Petitioners acquired the above mentioned disabilities only after coming into service. Over 65% of the Petitioners fall in the 40 – 50 % disability range and not a single Petitioner has disability over 80%. The State submits that it is a settled principle of service law, as is held in the caste scrutiny matters (**Chairman and MD, FCI v/s Jagdish Balaram Bahira, 2017 (8) SCC 670**) that when a certificate is found to be bogus or obtained through fraudulent means, all benefits should be taken away. As such, the appointment must be terminated. The same principle should apply here as well.

19. The State has cited the Judgment in ***State of Uttar Pradesh And Others V/s. Ravindra Kumar Sharma And Others, (2016) 4 SCC 791.*** The Hon’ble Supreme Court observed that when a fraud is established on a large scale, the State Government has full authority to order re-verification. This action did not warrant judicial interference. Mere physical verification is insufficient to detect all disabilities. A proper medical verification is necessary.

20. The State has already found cases wherein the person has a valid UDID card, yet when seen in person, they appear to have

no disability at all. Cases of 0% disability were also found upon medical re-assessment. For the above stated reasons, a fresh medical reassessment is necessary to determine whether the disability is real, long term and above the benchmark.

Submissions on behalf of Respondent Nos.2, 4 and 5
(Writ Petition No.2729 of 2026)

21. The Petitioner has approached this Court challenging the Government Resolution dated 16.06.2025 issued by Respondent No.1, State Government and the Circular dated 03.02.2026, along with the communication dated 10.02.2026.

22. The main contention of the Petitioner is that he should not be directed to undergo medical examination to verify his disability. On 26.02.2026, this Court directed the Petitioner to undergo medical examination. Despite the said order, the Petitioner avoided the medical examination. On 09.03.2026, this Court once again directed the Petitioner to undergo medical examination. It is only pursuant to the said order that the Petitioner subjected himself to medical examination on 10.03.2026.

23. The Petitioner was totally non-cooperative during the Pure Tone Audiometry (PTA) Test. The Petitioner was then subjected to BERA Test which is an objective test and considered as a ‘Golden Standard Objective Test’. As per the BERA report dated 10.03.2026, the disability percentage of the Petitioner is 0.16%.

24. The Petitioner has taken all service benefits on the basis of his disability certificate, right from his appointment in 2015, until date. He has thereby deprived other eligible disabled candidates from availing the benefits of their genuine disability. The Petitioner has thereby infringed upon the fundamental right of other deserving disabled individuals by playing a fraud with the Respondent Corporation and fabricating the disability report before this Court.

Submissions on behalf of Respondent Nos.6 and 7
(In Writ Petition (ST.) No. 40880 of 2025)

25. The Respondent ZP has issued Show Cause Notices dated 11.12.2025, based on the adverse findings of the District Medical Board. The Petitioners have approached this Court without exhausting the statutory remedies available under the Maharashtra Zilla Parishad District Service (Appeal and Discipline) Rules, 1964.

26. The Petitioners were employed with the Pune ZP as primary teachers. They sought benefits during the 2025-2026 transfer process under “Special Category Part-1” (Disabled Teachers) as per the GR dated 18.06.2024. These benefits allow teachers with certified disabilities of 40% or more, to opt for schools with better transport facilities or to remain in their current posts i.e. to obtain administrative benefits (favourable transfers).

27. The Respondents initiated a re-verification process to ensure that the benefits are not misappropriated. Clause 5.10.5 of the GR dated 18.06.2024 mandates disciplinary action against any teacher who furnishes wrong information to obtain benefits. In order to maintain integrity in service, the Respondents initiated a re-verification process under Rule 3 of the Maharashtra Zilla Parishad District Service (Conduct) Rules, 1967. The Respondents contend that the authority can order a re-examination by a District Civil Surgeon, in view of the GR dated 16.06.2025.

28. Under Rule 8 of the Maharashtra State Rights of Persons with Disabilities Rules, 2024, the authorities have the specific power to refer “suspicious” cases for re-assessment. The

Government Circular dated 16.06.2025, is a valid administrative guideline aimed at preventing fraud in the issuance of medical and disability certificates.

29. Pursuant to the letter dated 13.08.2025 issued by the Education Officer (Primary), Pune Zilla Parishad to the Divisional Deputy Director, Health Services, Pune, the Block EO of the respective Panchayat Samiti communicated with the schools situated in his jurisdiction and directed the teachers to appear before the District Medical Board at District Hospital, Aundh, Pune. Upon their examination, it was revealed that the disability percentages of the Petitioners were either below the required 40% threshold or significantly lower than what was claimed in their initial private certificates. A total of 178 disabled primary teachers were examined by the Medical Board and 46 disabled teachers out of them were found to be able-bodies and their disability was less than 40%.

30. The Respondents state that the action of re-assessment is fully supported by the Maharashtra State Rights of Persons with Disabilities Rules, 2024. Rule 8(2) of the said Rules provides that any establishment having reason to believe that a person holding a

disability certificate is ‘suspicious’, may file an appeal before the designated appellate authority. Under Rule 8(3), the Appellate Authority is empowered to refer the person to a medical expert or carry out a medical examination for the re-assessment of their disability.

31. Based on the medical findings, the Respondent authorities issued show cause notice dated 11.12.2025, thereby recording that the Petitioners had committed misconduct under Clause (3) of the Maharashtra Zilla Parishad District Service (Conduct) Rules, 1967. Findings of an expert Medical Board are not subject to judicial review unless malice is proven.

32. The 2016 Act provides protection to the disabled persons. However, it does not grant immunity to those who may have obtained certificates through misrepresentation or whose medical condition does not match the certified percentage upon objective re-evaluation.

33. The Government Resolution dated 16.06.2025 is under challenge. It provides guidelines for reassessing disabilities and it is

the case of the Respondent that the State Government is fully empowered to issue such administrative instructions to prevent misuse of benefits meant for disabled persons. Moreover, every public employer has the inherent right to verify the authenticity of documents of their employees.

34. It is, therefore, canvassed by the State and the ZP, in light of the above facts, that the impugned Government Resolution dated 16.06.2025 and the show-cause notice dated 11.12.2025, are not arbitrary. These circulars do not override the 2016 Act, but rather, give effect to the reasons and object of the said Act.

35. Many of the identically placed aggrieved employees started rushing to the High Court for seeking protection and quashing of the orders directing their re-examination. One such group of cases viz. Writ Petition No.1519 of 2023, along with group of Petitions ***(Hanuman Yashwant Sarvade & Ors. V/s. The State of Maharashtra & Ors.),*** was considered by the Division Bench of this Court at Aurangabad. By Order dated 24.02.2023, the Petitions were disposed off by recording the submissions of the parties in Paragraph Nos.1 to 3 and certain directions were issued by this

Court in Paragraph Nos.4 to 7. For clarity, the said order is reproduced hereunder :

> *'4. Considering that, most of these petitioners had earlier acquired certificates from the Medical Board or a Committee of the Doctors, and since the Committee headed by the Dean of the Ambajogai Medical College has submitted a report, indicating much lower disability percentage and in some cases even 0% disability, that these petitioners are agreeable to abide by the Government Resolution dated 14/09/2018, and are willing to be examined by the Medical Committee of the J.J. Hospital at Mumbai. Each of them states that the Zilla Parishad may issue them a covering letter and refer them to the J. J. Hospital on particular dates and they are willing to be examined by the Appellate Medical Board of the J.J. Hospital, Mumbai, comprising of the Dean, the Medical Superintendent and a Subject Expert, who is a Senior Professor.*
>
> *5. In view of the above, the learned Advocate for the Zilla Parishad submits that, the Zilla Parishad would issue a letter addressing the Dean of the J. J. Hospital, Mumbai, along with a copy of this order, and thereafter, issue letters to the individual petitioners and the similarly placed other teachers, to attend the medical examination by the Appellate Medical Board at the J. J. Hospital on particular dates and time.*
>
> *6. In view of the above statements recorded, these petitions are disposed off. The impugned suspension orders stand set aside. It is made clear that, after the Appellate Medical Board of the J. J. Hospital, Mumbai, tenders it's report in a sealed cover, addressed to the Chief Executive Officer, Zilla Parishad, and that if any teacher is found to have suffered lesser or no disability*

> *amounting to a fraud, the Zilla Parishad will be at liberty to initiate appropriate disciplinary action. The petitioners are agreeable.*
>
> *7. Pursuant to this order, if any of these petitioners/candidates as like the petitioners, desire to confess and tender an apology to the Zilla Parishad and seek pardon, they are at liberty to do so within 15 days from today and in such cases, the lapse on their part may be condoned with a strict warning by the Zilla Parishad, with a rider that, they will never indulge in any such act in future. Insofar as those teachers, who have secured the job on the basis of their disability certificates, the Zilla Parishad is at liberty to refer them also, to the Appellate Board of the J. J. Hospital, as directed above.'*

36. All the learned Advocates for the Petitioners contend that there are several circumstances in which these Petitioners and identically placed thousands of employees, have acquired medical certificates obtained from Authorized Government Medical Facilities. Based on such medical certificates, such Persons with Disabilities (hereinafter referred to as **'PwD'**) have obtained Unique Disability ID cards (hereinafter referred as **'UDID'**). Such Cards have been issued by those medical facilities who have been authorized to examine the medical certificates of the PwD and thereafter, the UDID card has been issued.

37. Thousands of PwDs who are in employment, have derived benefits available to the PwD under various schemes of the State Government. Some have entered employment as PwD. These PwDs derived benefits available to such categories under various schemes of the State Government. Their eligibility for such scheme would fall under the following categories :-

(a) Persons who have congenital defects/have physical disabilities prior to their entry in service and have secured employment on the basis of such disability.

(b) Candidates who entered service as normal/physically fit person, who developed disabilities while in service.

(c) Candidates who were physically fit while entering service, met with accidents or suffered grave illness and developed disabilities.

OUR ANALYSIS AND CONCLUSIONS

38. The learned Advocates for the Petitioners have canvassed that each of these candidates have been subjected to medical examination and after the Medical Board or Panel of Doctors certified their disabilities, that they approached the

appropriate authority for obtaining the UDID cards. It is contended that such categories of PwDs have been receiving the benefits under various schemes for decades. Each one has genuine Medical Certificates and UDID cards. With passage of 10 or 20 or more years, it would be unfair to suspect such PwDs and subject them to fresh medical examination only because the concerned State Government Department desires to carry out the re-verification and medical re-examination, purely out of suspicion.

39. The Petitioners have relied upon the following Judgments/Orders passed by the Hon'ble Supreme Court and various High Courts :

a. ***Dhammadip Bhaurao Mankar V/s. Union of India & Ors., (2012) 1 MhLJ 785.***

b. ***Kunal Singh V/s. Union of India, (2003) AIR (SCW) 1013.***

c. Order passed by the Aurangabad Bench in Writ Petition No.4756 of 2023, dated 03.05.2023 ***(Jandeo Navnath Mutkule V/s. The State of Maharashtra & Ors.).***

40. The learned Additional G.P. along with the AGPs have contended that various departments of the State Government noticed large number of bogus cases with seriously doubtful certificates on the basis of which UDID cards were procured. Based on such documents, several candidates have secured employment. Many in-service candidates suddenly developed physical infirmities. Such candidates started acquiring service benefits available to PwDs. Day by day, the list of in-service candidates, who started contracting physical infirmities in order to fit into various schemes floated by the State Government for PwDs, started growing. The most sought after physical infirmity is 'hearing impairment'. An example of the Nashik District and Satara District is cited. In Nashik District, 80% of the Petitioners have 'hearing impairment' certificates. From the Satara District, around 80% of the employees fall under 'locomotor disability'. The disability is about 80%. In Nashik District, the extent of the hearing impairment disability is about 65%.

41. The Additional G.P./AGPs point out even from the charts tendered by various Advocates which are on record, which indicate 'hearing impairment' as being the most common/sought-after (favourite) disability. More than 90% of such PwDs, have

acquired the disability after recruitment, only after the State Govt. introduced special benefits for PwDs.

42. Our attention is drawn to a chart (8 pages in Marathi) tendered on behalf of the State, which is enclosed and marked as **Annexure 'X',** to this judgment. The learned Additional G.P. has canvassed that more than 80% of the PwDs who were medically examined in the recently conducted medical re-examination, are noticed to have 0% disability or their disability which was earlier shown to be in between 40% to 80%, has conspicuously fallen in between 6% to 20%. Several PwDs who have UDID cards or medical certificates indicating bench mark disabilities or high percent of disabilities, are now found to have 0% disability. In the medical re-examinations conducted in the past around six months, hundreds of examined candidates are found to have 0% disability or in-between 6% to 20%.

43. The Respondents contend that, a lot of hue and cry is raised by these Petitioners/PwDs about the scientific methods of medical examination only because they actually did not have the disabilities and yet had succeeded in fraudulently obtaining the

medical certificates or the UDID cards. Such cards and certificates may appear to be genuine. However, the percentage of disability mentioned in such certificates or UDID cards, have been manipulated. It is, therefore, submitted that mere verification of UDID cards or their medical certificates, would not be an enough exercise to locate the truth and unearth a disability scam in service.

44. It is further canvassed that Section 91 of the Rights of Persons with Disabilities Act, 2016, clearly provides that if any person has fraudulently acquired the benefits available to PwD, he/she could be subjected to serious action. Such fraudulent acts can be dealt with under Section 91. This proves that the State justifiably found it necessary to embark upon the exercise of re-medical examination, in the larger interest of the society. Employment and service benefits available to genuine candidates, would be usurped by bogus candidates, if the State turns a blind eye to this scam.

45. We are of the view that, the Judgment of the Hon'ble Supreme Court, in ***Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others (supra),*** though in the context of a bogus caste or tribe

certificate, would be squarely applicable to such bogus cases and all benefits being derived by the bogus PwDs, need to be taken away. If a laudable scheme of the State in the interest of the genuine PwDs, is misused by undeserving candidates pretending to be PwDs, the entire scheme would be a waste and the genuine candidates would be deprived of the benefits of the scheme, which would have been, otherwise available to them. It is clearly appears on the basis of the record that the verification exercise has become necessary only due to several bogus PwDs having been noticed. More the re-examinations are conducted, more is the number of bogus candidates.

46. It is submitted by the State that persons with bench mark disabilities [a PwD with not less than 40% of a specified disability, as defined under Section 2(r) and PwD with long term physical, mental, intellectual or sensory impairment as defined under Section 2(s)], are also turning out to be such PwD who either do not have any disability or the percentage of the disability has fallen to in between 6% to 20%.

47. We feel that, a general argument that there is no reason to conduct a re-examination after 10 to 20 years, sounds good. But,

when such frauds are noticed in most of the cases post re-verification, it becomes glaring that there surely is a serious problem of bogus PwDs, who have taken employment on the basis of exaggerated percentages of disabilities or have entered employment as able bodied persons (hereinafter referred to as **'ABP'**) and then acquired disabilities, the most common being 'hearing impairment'. The State Government has noticed this to be deep rooted, in practically every district in the State of Maharashtra. With lakhs of employees engaged in Government/Semi-Government/Local Authorities/State Instrumentalities, it is most difficult to pinpoint a particular case of fraud, without a medical re-examination.

48. It is contended by the State that the PwDs with permanent or long term disability or bench mark disabilities defined under Section 2(s) and Section 2(r), respectively, have no reason to fear a medical re-examination if they factually are suffering the disability as mentioned in their medical certificates/UDID cards. It is only those PwDs who have fraudulently acquired medical certificates and consequentially the UDID cards, based on exaggerated or false percentages of impairment, who are scared of being exposed. It is these PwDs who have approached the High

Court in order to block the medical re-examination. Based on the Judgments and Orders cited, especially the Judgment in ***State of Uttar Pradesh And Others V/s. Ravindra Kumar Sharma And Others, (2016) 4 SCC 791*** and the Rajasthan High Court Judgment in **Ram Prakash Kharlwa V/s. State of Rajasthan** (supra), it is canvassed that all these Petitions filed by these Petitioners deserve to be dismissed.

49. It is further pointed out that the Rajasthan High Court has considered a long list of Judgments and has based its conclusions on the Judgments delivered by the Hon'ble Supreme Court, including in *Ravindra Kumar Sharma & Ors (Supra).* It has concluded in Paragraph No.56 to 62, as under :

> *'56. The issue remains some of the petitioners, already in Government service or who have completed their probation and confirmed, whether in such circumstances, a full-fledged inquiry under the Rajasthan Civil Services (CCA) Rules, 1958, is required before taking any action. The judgments referred herein-above, including the judgment in the case of* ***Amrit Yadav vs. State of Jharkhand (supra)****, clearly held that when somebody secures a job without possessing the proper qualification, it is not necessary to hold a full-fledged inquiry. Rule 19 of the CCA Rules specifically provides for dispensing with an inquiry where it is not possible.*
>
> *57. In the present case, when somebody obtains a job on the basis of a fake or false certificate claiming to be a person with disabilities, then there is no protection for such*

individual(s) under the law. The State Government or the appointing authority may terminate services of such person after recording reasons in detail, and nobody has a right to continue on a post which is not meant for him/her. Thus, there is no protection of law for a person who has secured a job on the basis of a fake or false certificate, and the duty to take action lies upon the State Government, or the department concerned.

58. Again, there is a question whether criminal action is required to be taken or not, is within the domain of the department concerned or the State Government. However, if somebody commits a crime, he is liable for criminal prosecution, and thus there is no protection for individual(s) who do not have a benchmark disability, but still procured a certificate to show a benchmark disability. The disability has to be assessed on the basis of the guidelines as issued by the Government of India under Sections 56 of the RPWD Act, and it is sufficient to draw a conclusion that certificate issued only in accordance with Chapter-X of RPWD Act are valid and legal for all purpose.

59. In view of discussions made herein-above, the State Government is under a constitutional obligation in providing equal protection, as provided under Articles 14 and 16 of the Constitution of India, and bound to follow the doctrine of reasonable accommodation while considering the case of any individual who is declared as a person with disabilities under the RPWD Act, 2016. At the same time, the State Government is also duty-bound to prevent misuse of the provisions of the RPwD Act, 2016 by any individual, with aim to usurp the employment opportunities meant for persons with benchmark disabilities. If the State Government fails in its

constitutional obligation or omits to do any act in furtherance of the directions and duties as mandated under the RPWD Act, 2016, then they are liable for omissive discrimination.

60. The State Government or the recruiting agency has every right to assess or reassess the case of benchmark disability and direct the candidate(s) to undergo assessment or reassessment of disability in accordance with the guidelines issued by the Government of India under Section 56 of the RPWD Act, 2016. The assessment has to be made by the designated certifying authorities as declared under Chapter X of the RPWD Act. A designated certifying authority cannot issue any certificate, which is not in accordance with the guidelines issued by the Government of India under Section 56 of the RPWD Act, 2016. A designated certifying authority is not competent to issue a disability certificate beyond its jurisdiction, as determined by the State Government.

61. The State Government or the recruiting agency may direct anyone, whether an employee who secured a job on the basis of a disability certificate or a candidate who appeared to claim a reservation quota under the RPwD Act, 2016, to appear before any designated authority to assess or reassess the disability of such person.

62. Thus, the writ petitions are disposed of in following manner:-

(i) The petitioner(s) have no right to challenge the assessment or reassessment order issued by the State Government or the respondent(s) for reassessment of benchmark disability. No person is entitled to be considered for appointment on seat reserved for persons with benchmark disabilities, unless his/her benchmark disability is assessed as per Chapter-X of the RPWD Act, 2016.

(ii) The respondent(s) are free to assess or reassess the benchmark disability of the petitioner(s) in accordance with the provisions of the RPwD Act, 2016, and such assessment shall be made in accordance with the guidelines framed by the Government of India in exercise of powers under Section 56 of the RPWD Act, 2016.

(iii) Any certificate issued by any Medical Board or Medical Officer, not designated as a certifying authority under Section 57 of the RPwD Act, is invalid and illegal, and the same cannot be relied upon for availing any benefit under the RPWD Act, 2016 or the rules made thereunder.

(iv) The respondent(s) including recruiting agencies are directed to ensure that the certification process conforms to the standards as prescribed by the Government of India under the RPWD Act, - 2016 and the rules made thereunder.

(v) The State Government is also under an obligation to notify the designated certifying authorities along with their jurisdiction for issuance of certificates under Section 2 (r), 2(s) or 2(t) to declare a person as having a disability or a benchmark disability, or person with high support needs.

(vi) After assessment or reassessment of in service candidate(s), if the respondent(s) find that the candidate does not have a benchmark disability as required under the Act of 2016, then they are free to take any action as discussed herein-above.

(vii) If a candidate appears in a recruitment process on the basis of benchmark disability, then the recruiting agency is duty-bound to assess or reassess his benchmark disability through a designated certifying authority as notified under Section 57 of the RPWD Act, 2016, and such assessment has to be made strictly on the basis of

guidelines issued by the Government of India under Section 56 of the RPWD Act, 2016.

(viii) The petitioner(s) are not entitled to any protection under the law but any action against them shall be taken or intiated only after re-assessment of their benchmark disability under the directions of the respondent(s) by following the procedure as prescribed under Chapter X of the RPWD Act, 2016.'

50. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 was enacted to give effect to the Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region. The Act defines Persons with Disabilities as those having not less than forty % disability and identified seven categories of disabilities, namely, blindness, low vision, hearing impairment, locomotor disability, mental retardation, mental illness and leprosy-cured.

51. Over a period of time, the conceptual understanding of the rights of persons with disabilities has become clearer, and there has been a worldwide change in the approach to handling the issues concerning persons with disabilities. The United Nations adopted its

‘Convention on the Rights of Persons with Disabilities’, setting out the principles to be followed by State parties to empower persons with disabilities. India signed the said Convention and subsequently ratified the same on the 1st day of October, 2007. The Convention came into effect on the 3rd day of May, 2008. Being a signatory to the Convention, India has an international obligation to comply with its provisions, which require an entirely new legislation.

52. In 2010, an Expert Committee constituted under the chairmanship of Dr. Sudha Kaul, Vice-Chairperson, Indian Institute of Cerebral Palsy, Kolkata, submitted its report in 2011, suggesting a Draft Bill relating to the Rights of Persons with Disabilities. The draft Bill was extensively debated at various levels involving State Governments, Union territories, and various stakeholders.

53. The **salient features of the Rights of Persons with Disabilities Bill, 2014,** inter alia, are:

(i) Nineteen specified disabilities have been defined;

(ii) The persons with disabilities enjoy various rights such as the right to equality, life with dignity, respect for his / her integrity, etc., equally with others;

(iii) Duties and responsibilities of the appropriate Government have been enumerated;

(iv) All educational institutions funded by the appropriate Government shall provide inclusive education to children with disabilities;

(v) A National Fund is proposed to provide financial support to persons with disabilities;

(vi) Stakeholders' participation in the policy-making through Central and State Advisory Boards;

(vii) An increase in the reservation in posts from the existing three % to five % in the vacancies for persons or class of persons with benchmark disabilities in every establishment and reservation of seats for students with benchmark disabilities in higher educational institutions;

(viii) Setting up of National Commission and State Commission to act as Grievance Redressal Mechanism, monitor implementation of the proposed legislation replacing the Chief Commissioner and State Commissioners for persons with disabilities, respectively;

(ix) Guidelines to be issued by the Central Government for issuance of certificates of specified disabilities;

(x) Penalties for offences committed against persons with disabilities; and

(xi) Court of Session to be designated as Special Court by the State Government in every district to try offences.

54. It is necessary to go into the objects and reasons of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as the RPwD Act), which was enacted for the empowerment of Persons with Disabilities. The main objective of replacing the earlier Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, by the RPwD Act, 2016, was to fulfill India's obligation under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which India ratified in 2007.

55. The **Primary Objects of the RPwD Act, 2016** is:-

(a) To bring Indian Law in conformity with the International Standard while giving effect to the UNCRPD.

(b) To replace the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, with a more comprehensive and rights-based legislation.

(c) To expand the scope of disabilities from 7 to 21 specified disabilities.

(d) To shift from a welfare-based to a rights-based approach, recognising PwDs as rights holders, not charity recipients.

(e) To ensure equal opportunities, protection of rights and full participation of PwDs in the mainstream society.

The Rights of Persons with Disabilities Act, 2016, was enacted by the Central Government, which came into effect on 19th April 2017.

THE SCHEDULE

[See clause (zc) of section 2]

SPECIFIED DISABILITY

1. Physical disability.—

A. ***Locomotor disability*** (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of the musculoskeletal or nervous system or both), including—

(a) "leprosy cured person" means a person who has been cured of leprosy but is suffering from-

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eyelid, but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) extreme physical deformity as well as advanced age, which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall be construed accordingly;

(b) "cerebral palsy" means a Group of non-progressive neurological conditions affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimetres) or less;

(d) “Muscular dystrophy” means a group of hereditary genetic muscle disease that weakens the muscles that move the human body, and persons with multiple dystrophies have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue.

(e) “acid attack victims” means a person disfigured due to violent assaults by the throwing of acid or a similar corrosive substance.

B. ***Visual impairment -***

(a) “blindness” means a condition where a person has any of the following conditions, after best correction—

(i) total absence of sight; or

(ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or

(iii) limitation of the field of vision subtending an angle of less than 10 degrees.

(b) “low-vision” means a condition where a person has any of the following conditions, namely:—

(i) visual acuity not exceeding 6/18 or less than 20/60, up to 3/60 or up to 10/200 (Snellen)

in the better eye with the best possible corrections; or

(ii) limitation of the field of vision subtending an angle of less than 40 degrees up to 10 degrees.

C. ***Hearing impairment -***

(a) "***deaf***" means persons having ***70 DB hearing loss*** in speech frequencies in both ears;

(b) "***hard of hearing***" means a person having ***60 DB to 70 DB hearing loss*** in speech frequencies in both ears;

D. "speech and language disability" means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

2. Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour, which covers a range of everyday, social and practical skills, including—

(a) "specific learning disabilities" means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;

(b) "autism spectrum disorder" means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviours.

3. ***Mental behaviour -***

"mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation, which is a condition of arrested or incomplete development of the mind of a person, specially characterised by subnormality of intelligence.

4. **Disability caused due to -**

(a) chronic neurological conditions, such as—

(i) "multiple sclerosis" means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(ii) "Parkinson's disease" means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

(b) Blood disorder—

(i) "haemophilia" means an inheritable disease, usually affecting only males but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor wound may result in fatal bleeding;

(ii) “thalassemia” means a group of inherited disorders characterised by reduced or absent amounts of haemoglobin.

(iii) “sickle cell disease” means a hemolytic disorder characterised by chronic anaemia, painful events, and various complications due to associated tissue and organ damage; “hemolytic” refers to the destruction of the cell membrane of red blood cells resulting in the release of haemoglobin.

5. Multiple Disabilities (more than one of the above specified disabilities), including deaf blindness, which means a condition in which a person may have a combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

6. Any other category as may be notified by the Central Government.

56. **The Rights of Persons with Disabilities Act, 2016**

Section 2 :-

(r) “person with benchmark disability” means a person with not less than forty per cent (40%) of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;

(s) "person with disability" means a person with long-term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his/her full and effective participation in society equally with others;

(zc) "specified disability" means the disabilities as specified in the Schedule;

Section 34. Reservation - (1) Every appropriate Government shall appoint in every Government establishment, ***not less than four per cent*** of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent for persons with benchmark disabilities under clauses (d) and (e), namely:—

(a) blindness and low vision;

(b) deaf and hard of hearing;

(c) locomotor disability, including cerebral palsy, leprosy cured, dwarfism, acid attack victims, and muscular dystrophy;

(d) autism, intellectual disability, specific learning disability and mental illness;

(e) multiple disabilities from amongst persons under clauses (a) to (d), including deaf-blindness, in the posts identified for each disability:

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:

Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications, exempt any Government establishment from the provisions of this section.

(2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.

(3) The appropriate Government may, by notification, provide for such relaxation of the upper age limit for employment of persons with benchmark disability, as it thinks fit.

16. Review of Accessibility Standards. - The Central Government shall review from time to time the accessibility

standards notified based on the latest scientific knowledge and technology.

Section 56. Guidelines for assessment of specified disabilities.—The Central Government shall notify guidelines for the purpose of assessing the extent of specified disability in a person.

Section 91. Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities. - Whoever fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with a fine which may extend to one lakh rupees or with both.

Section 91 of the Act clearly states that any person who fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment of up to two years or a fine of up to one lakh rupees or both. This penal provision reflects the conscious legislative intent of Parliament to deter abuse of disability-related benefits and to protect the statutory rights of genuine Persons with Disabilities, which can be achieved only if it is possible to identify Persons with Disabilities who are bogus/non-genuine. Hence, there is a need to verify and identify such bogus Persons with Disabilities who have fraudulently availed or attempted to avail benefits meant for the genuine PwD, and the verification seems to be necessary.

57. **The Rights of Persons with Disabilities Rules, 2017**

Section 16. Review of Accessibility Standards. - The Central Government shall review from time to time the accessibility standards notified based on the latest scientific knowledge and technology.

58. A much hue and cry has been raised by the Petitioners contending that the medical re-verification is purposeless and amounts to sheer harassment of the Petitioners and similarly situated employees. They are compelled to undergo the medical examination by traveling long distances, made to sit in long queues and entire exercise is becoming torturous. If they have valid certificates and UDID cards for decades, no purpose would be served in subjecting them to re-verification. Moreover, they are made to undergo 'Brainstem Evoked Response Audiometry' (**'BERA'**). On the pretext of modern medical technics being utilized, the disability percentage of such employees is being lowered. Once such variation occurs in the tests results vis-a-vis the earlier results, allegations of fraud are leveled upon the Petitioners and similar employees, who are then suspended and subjected to disciplinary action. Even FIRs are

directed to be registered against them. Their salaries have been abruptly stopped, by highhanded actions.

59. The learned Counsel for the State submits that those employees who have acquired medical reports with exaggerated disability percentages, have become jittery and are fearful of the possibility of being exposed. It is submitted that Dr. Suman Kumar, Director of Ali Yavar Jung, National Institute of Speech and Hearing Disabilities, has addressed a communication dated 11.03.2026 containing his opinion (in view of his appearance before the Court on 10.03.2026 at 3:00 p.m.) to Shri. Kakade, the learned Additional G.P. who has relied upon the said opinion and has prayed that this Court should advert to the same.

60. We are of the view that since Dr. Suman Kumar is the Director of the National Institute, it would be advantageous to consider his opinion, hereunder :

> ***Dr. Suman Kumar, Director, Ali Yavar Jung, National Institute of Speech and Hearing Disabilities.***
> *Ref. No. DIR/2026/5382* ***Date. 11.03.2026***
>
> *Mr. P. P. Kakade*
> *Additional Government Pleader,*
> *(A.S.) Writ Cell, High Court, Mumbai*

Ref. Writ Petition No. 834 of 2026 A/w other connected matters

Sir,

With reference to the above-captioned matter and my appearance before the Hon'ble High Court of Judicature at Bombay on 10.03.2026 at 03:00 p.m., the comments, as desired, are submitted below for your kind perusal and for taking further necessary action in the matter:

Definition of Hearing Impairment

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995	*Loss of sixty decibels or more in the better year in the conversational range of frequencies.*
The Rights of Persons with Disabilities Act,2016	*Deaf means persons having 70dB loss in speech frequencies in both ears Hard of Hearing means persons having 60dB-70dB loss in speech frequencies in both ears*

Comparison of the Assessment framework under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and The Rights of Persons with Disabilities Act,2016

A comparative analysis of the disability assessment frameworks under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, ***the Rights of Persons with Disabilities (RPwD) Assessment Guidelines, 2018, and the Revised RPwD Assessment Guidelines, 2024 indicates a progressive refinement in the methodology adopted for assessing hearing impairment in India.***

Under the PwD Act, 1995, the assessment of hearing disability was based on a combination of pure tone audiometric thresholds and speech discrimination scores, with the pure tone average calculated using three frequencies, namely 500 Hz, 1000 Hz, and 2000 Hz. While this approach attempted to incorporate both auditory sensitivity and functional speech perception, it lacked uniformity due to variability in speech testing procedures across institutions.

The RPwD Assessment Guidelines, 2018, introduced a significant shift toward a more standardised and objective approach. The guidelines eliminated the use of speech discrimination scores and relied solely on pure tone audiometric thresholds for calculating hearing disability. Importantly, the guidelines expanded the frequency range used for calculating the pure tone average by including 4000 Hz, in addition to 500 Hz, 1000 Hz, and 2000 Hz. This change marked a scientifically sound advancement, as it captured high- frequency hearing loss, which may not be adequately reflected when assessment is restricted to lower frequencies alone.

***The Revised RPWD Assessment Guidelines, 2024, retain the same fundamental calculation method introduced in 2018 but provide greater clarity in testing protocols, especially for paediatric assessment, and integrate the certification process with the Unique Disability ID (UDID) system**. The guidelines also emphasise the use of objective audiological measures such as Auditory Brainstem Response (ABR), Auditory Steady-State Response (ASSR), and Otoacoustic Emissions (OAE) in cases where behavioural audiometry is not feasible.*

From a clinical and scientific perspective, the revised assessment framework places greater emphasis on higher frequency hearing thresholds, particularly 4000 Hz, which is often the earliest

frequency affected in many types of sensorineural hearing loss, including noise- induced hearing loss, ototoxicity, and early presbycusis. The inclusion of this frequency, therefore, enhances the sensitivity and diagnostic accuracy of the disability assessment system, ensuring that individuals with high-frequency hearing impairment are more accurately identified.

It is further submitted that hearing loss, particularly sensorineural hearing loss, is typically irreversible and does not decrease with age; rather, it either remains stable or progressively increases depending on the duration and aetiology of onset. Therefore, the mere fact that an assessment was conducted under the earlier 1995 guidelines rather than the 2018 or 2024 guidelines cannot, by itself, be construed as diminishing the actual hearing disability of the individual.

On the contrary, the methodology introduced under the 2018 guidelines arguably operates in favour of persons with hearing impairment, as it incorporates the 4000 Hz frequency, which is frequently the first frequency to be affected in many auditory pathologies. Consequently, the inclusion of this frequency ensures a more comprehensive and realistic representation of the individual's audiological deficit, thereby preventing underestimation of disability.

Accordingly, the revised assessment framework of 2024 represents a scientifically robust, clinically appropriate, and legally sound system for evaluating hearing impairment. By incorporating higher-frequency thresholds and standardized protocols, the current methodology better reflects the true audiological profile of individuals with hearing impairment and effectively advances the statutory objective of protecting the rights, dignity, and entitlements of persons with disabilities under the RPwD Act, 2016.

Assessment of Hearing Disability as per RPwD Guidelines 2024

Air Conduction Threshold is to be measured using standard Pure Tone Audiometry by an Audiologist for both ears. The Audiologist must be under in Central Rehabilitation Register of Rehabilitation Council of India who has to renew his/her registration every seven years in order to practice the discipline.

In the case of an unreliable Air Conduction Threshold, additional tests are recommended, such as Immittance Testing, Speech Audiometry, or Auditory Brainstem Response Testing.

It is also pertinent to note that the Auditory Brainstem Response (ABR) is a non-invasive, objective electrophysiological assessment of auditory function, widely accepted in clinical audiology for estimating hearing thresholds. The test does not require active participation or behavioural responses from the individual and is therefore particularly useful in infants, young children, or individuals who are unable to provide reliable behavioural responses during conventional audiometric testing.

ABR measures the neural responses generated along the auditory pathway from the cochlea to the brainstem following acoustic stimulation, thereby enabling the estimation of auditory sensitivity in an objective manner. Numerous clinical studies have demonstrated that ABR- based threshold estimation shows a high level of diagnostic reliability, with sensitivity approaching approximately 95% in identifying hearing impairment.

Note on Reassessment of Hearing Disability Cases Referred from Various Districts of Maharashtra

1. The Education Officers (Primary) of Zilla Parishad, Nashik; Zilla Parishad, Beed; and other district authorities are referring their employees to the Institute for reassessment of hearing disability.

2. In order to facilitate the employees referred from different districts of Maharashtra, the Institute has allocated a specific day for hearing assessment exclusively for such reassessment cases.

3. The Institute conducts Pure Tone Audiometry (PTA), which is considered the gold standard test for hearing assessment. In cases where air conduction thresholds are found to be unreliable, additional objective and cross-check tests are conducted to ensure the accuracy of the results as per the Guidelines notified in the Gazette of India dated 14 March 2024:

* *Immittance Audiometry*
* *Speech Audiometry*
* *Auditory Brainstem Response (ABR)*
* *Auditory Steady State Response (ASSR)*

4. ***As per the assessments conducted so far, 18 out of 23 individuals assessed do not possess benchmark disability as defined under the relevant disability assessment guidelines****.*

5. During interaction with the individuals appearing for reassessment, several of them informally admitted that they do not have hearing loss but had obtained the UDID card primarily to avail certain service benefits, such as transfers. MAYINISHD(D)

6. Further, some individuals have:
* *Requested adjustments or favourable consideration*
* *Attempted to influence the assessment process*
* *Threatened the officials of the Institute*

** Tried to exert undue pressure*

7. It has also been observed that many individuals do not appear for the scheduled hearing assessment on the designated day. Some of them deliberately request appointments after prolonged intervals (3-4 months later).'

61. The above reproduced opinion of Dr. Suman Kumar could give us a glimpse of the various tests that are conducted in the Ali Yavar Jung, National Institute of Speech and Hearing Disabilities. However, Paragraph Nos.4 to 7 of his view reproduced above indicates that some of the employees subjected to examination, have admitted that they do not have hearing impairment. Some tried to influence or manipulate the authorities. Some tried to exert undue pressure and some even threatened the officials of the Institute. Some even tried to dodge the tests.

62. The record in all these cases reveals that before these cases were transferred to the Principal Seat from all the Benches of the Bombay High Court and were assigned to this Court under the administrative order of the Hon'ble The Chief Justice of the Bombay High Court, different Benches had passed ad-interim orders. Finally, while considering the requests of these Petitioners to

grant some interim relief, we have granted interim protection with certain directions, which are as under :

(a) All the Petitioners and identically placed employees (who may not have preferred Writ Petitions), would subject themselves to the medical re-examination as per the schedule prescribed by the employer in coordination with the respective medical facility.

(b) Notwithstanding any variation in the medical examination results, the employers would not dispense with their services or initiate disciplinary action against any of such Petitioners, until further orders.

(c) In the event any such employee is suspended from employment, his/or suspension would stand stayed and he/she would continue to draw regular wages.

(d) No further order of suspension or a direction to register an FIR would be passed without the leave of the Court.

(e) No precipitative action or adverse order should be passed against the Employees, without the leave of the Court.

(f) Those Employees who would dodge or avoid the re-assessment tests, would be subjected to disciplinary action.

63. In the meanwhile, the State Government issued a Government Resolution dated 09.10.2025 bringing it to the notice of one and all that the UDID card is made compulsory for recruitment in any Government/Semi-Government and grant-in-aid institutions, for persons applying under the disability quota. The Marathi version

as well as the english translation of the Government Resolution dated 09.10.2025, is reproduced hereunder :

> *'राज्यशासनामार्फत विविध शासकीय / निमशासकीय व इतर सर्व प्राधिकरणे / संस्था इत्यादी मध्ये पदभरतीसाठी अर्ज घेताना दिव्यांग व्यक्तींसाठी आरक्षित असलेल्या जागांसाठी संबंधित दिव्यांग व्यक्तींच्या वैश्विक ओळखपत्राचा (UDID) क्रमांक नोंदविणे तसेच प्रमाणपत्राची साक्षांकित प्रत जोडणे अनिवार्य करण्यात येत आहे.*
>
> *२. सर्व मंत्रालयीन विभाग तसेच त्यांच्या प्रशासकीय नियंत्रणाखालील सर्व आस्थापना / विभाग प्रमुख / कार्यालय प्रमुख तसेच स्वायत्त संस्था यांना त्यांच्या आस्थापनेवर दिव्यांग आरक्षणांतर्गत सेवेत असलेल्या अधिकारी/कर्मचाऱ्यांबाबत पुढीलप्रमाणे कारवाई करण्याच्या सूचना देण्यात येत आहेत.*
>
> ***i. जे दिव्यांग अधिकारी / कर्मचारी दिव्यांग आरक्षणांतर्गत नियुक्ती, पदोन्नती व अन्य शासकीय योजनांचा आणि सवलतींचा लाभ घेत आहेत, अशा सर्व दिव्यांग अधिकारी/ कर्मचारी यांनी दिव्यांगत्व प्रमाणपत्र / वैश्विक ओळखपत्र (UDID) सादर केले आहे किंवा नाही याची तपासणी करुन त्यांच्या दिव्यांगत्वाची पडताळणी करण्यात यावी,***
>
> *अ) ज्या दिव्यांग अधिकारी/ कर्मचारी यांनी दिव्यांगत्व प्रमाणपत्र / वैश्विक ओळखपत्र (UDID) सादर केले नाही,*
>
> *ब) पडताळणीअंती ज्यांचे दिव्यांगत्वाची टक्केवारी लाक्षणिक दिव्यांगत्वापेक्षा (४०%) कमी आहे,*
>
> *क) शासकीय सेवेत कार्यरत असलेल्या अधिकारी / कर्मचाऱ्यांच्याकडे चुकीचे अथवा बोगस दिव्यांगत्व प्रमाणपत्र / वैश्विक ओळखपत्र (UDID) आढळून आल्यास,*
>
> ***अशा सर्व अधिकारी / कर्मचाऱ्यांविरुध्द दिव्यांग व्यक्ती हक्क अधिनियम २०१६ मधील कलम ९१ नुसार कारवाई करावी. तसेच त्यांच्याविरुद्ध शिस्तभंगविषयक कारवाई करावी. त्याचप्रमाणे त्यांनी घेतलेल्या लाभांची वसुली करण्यात यावी.***
>
> *ii. उक्त प्रमाणे कार्यवाही केल्यानंतर सुद्धा प्रशासकीय विभाग / नियुक्ती प्राधिकारी / आस्थापना अधिकारी हे एखाद्या*

दिव्यांग अधिकारी / कर्मचाऱ्यांच्या दिव्यांगत्वाबाबत साशंक असतील तर अशा दिव्यांग अधिकारी / कर्मचाऱ्यांचे दिव्यांगत्व तसेच दिव्यांगत्व प्रमाणपत्राची पडताळणी करण्याबाबतचे सर्वस्वी अधिकार नियुक्ती प्राधिकाऱ्यास असतील.

३. सर्व मंत्रालयीन प्रशासकीय विभागांच्या नियंत्रणाखालील सर्व आस्थापनांवरील दिव्यांग अधिकारी / कर्मचाऱ्यांचे दिव्यांगत्व आणि दिव्यांगत्व प्रमाणपत्राची पडताळणी करुन त्याचा अहवाल सोबतच्या "परिशिष्ट–अ" मधील विहित नमुन्यात संबंधित विभागांनी ३ महिन्यांत दिव्यांग कल्याण विभागास सादर करावा.

The G.R. dated 09th October, 2025, lays down several important points as follows :-

i. *UDID card is made compulsory for recruitment in all Government, Semi-Government and Grant-in-Aid institutions for persons applying under the disability quota.*
ii. *The GR allows verification and scrutiny of all Government employees claiming disability benefits.*
iii. *If any employee is found to have not submitted a UDID card, or has a disability below 40%, or is using a fake or incorrect certificate, then action will be taken under Section 91 of the Act and other relevant Acts and Rules*
iv. *Every department must complete the verification process and submit its report within three months.*
v. *Employees who were earlier using old disability certificates (not UDID cards), the Central Government, on 3rd March 2023, made UDID cards compulsory from 1st April 2023. Further, the State Government on 27th June 2024 provided a one-year extension to obtain the new UDID card to avail the benefits of the Government, and this deadline ended on 26th June 2025.*

The main purpose of this GR is to remove bogus claimants from the disability quota so that genuine persons with disabilities are not deprived

> ***of the benefits meant exclusively for them.*** The State wants to ensure that reservation and welfare schemes reach only those who really qualify, and that those who obtained false or doubtful certificates do not continue to take away opportunities from genuine disabled persons.)'

64. Prior to the above Government Resolution, the State had issued a G R dated 16.06.2025 with regard to the transfer policy in tune with the earlier G R dated 18.06.2024. It was mentioned in the said G R that various types of disability certificates are found to be bogus and false and, therefore, fresh medical examination was being ordered. The Marathi version of the Government Resolution dated 16.06.2025, is reproduced hereunder :

> *'जिल्हा परिषद शिक्षकांच्या जिल्हांतर्गत बदलीसाठीचे सुधारित धोरण वाचा येथील दि.१८.६.२०२४ रोजीच्या शासन निर्णयान्वये निश्चित करण्यात आले आहे. सदर शासन निर्णयातील व्याख्या १.८ मध्ये विशेष संवर्ग शिक्षक भाग–१ म्हणजे विविध आजारांनी ग्रस्त शिक्षक,* ***दिव्यांग शिक्षक****, दिव्यांग मुलांचे पालक परित्यक्ता/घटस्फोटीत महिला शिक्षक,* ***५३ वर्षे पूर्ण झालेले शिक्षक****, विधवा, कुमारिका शिक्षक, तसेच ज्या शिक्षकांचे जोडीदार शासन निर्णयामध्ये नमुद गंभीर आजाराने ग्रस्त आहेत इत्यादी अशा शिक्षकांचा समावेश करण्यात आला आहे.*
>
> *२. तथापि, विशेष संवर्ग–१ मधून विविध आजारांची व दिव्यांगत्वाची खोटी प्रमाणपत्रे सादर करुन बदलीमधून सूट मिळविणाऱ्या शिक्षकांचे प्रमाण जास्त असल्याच्या तक्रारी प्राप्त झाल्या आहेत. तसेच काही न्यायालयीन प्रकरणांमध्ये जिल्हांतर्गत बदलीमध्ये विविध संवर्ग निर्माण करुन अशा शिक्षकांना बदलीपासून का वगळण्यात आले आहे, याबाबत खुलासा सादर करण्याबाबत शासनास आदेशित केले आहे.*

३. त्यामुळे शासन निर्णय दि. १८.६.२०२४ मधील विशेष संवर्ग शिक्षक भाग–१ च्या अनुषंगाने खालील सविस्तर सूचना सर्व मुख्य कार्यकारी अधिकारी, जिल्हा परिषद यांच्या निदर्शनास आणण्यात येत आहेत, –

I) विशेष संवर्ग–१ मध्ये गणले जाण्यासाठी संबंधित शिक्षकाने सादर केलेले दिव्यांगत्वाबाबतचे ऑनलाईन युडी–आयडी प्रमाणपत्राबाबत नेमण्यात आलेल्या त्रिसदस्यीय समितीस सदर शिक्षकाच्या दिव्यांगत्वाबाबत काही साशंकता आढळून आल्यास, संबंधित शिक्षकाची जिल्हा शल्य चिकीत्सकांकडून तपासणी करुन घेण्यात यावी.

II) तसेच दिव्यांगत्वाबाबतचे देण्यात आलेले उपरोक्त प्रमाणपत्र हे दिव्यांगत्वाचे लाभ अनुज्ञेय करण्याकरीता दिव्यांग कल्याण विभाग व सार्वजनिक आरोग्य विभागाने वेळोवेळी दिलेल्या मार्गदर्शक सूचनांप्रमाणे दिलेले असले पाहिजे.

III) तसेच विविध आजारांबाबत सादर करण्यात आलेल्या वैद्यकीय प्रमाणपत्रामध्ये अनियमितता आढळून आल्यास, अशा शिक्षकांची देखील जिल्हा शल्य चिकीत्सकांमार्फत फेरतपासणी करण्यात यावी.

IV) विशेष संवर्ग – १ मधून बदलीसाठी अर्ज सादर करणाऱ्या घटस्फोटीत/परित्यक्ता महिला शिक्षकांबाबत काही अनियमितता आढळून आल्यास संबंधित घटस्फोटीत शिक्षिकेच्या मा. न्यायालयाने मंजूर केलेल्या घटस्फोटाच्या प्रमाणपत्राची प्रमाणित प्रत, परित्यक्ता शिक्षिकेने ती पतीबरोबर राहत नसल्याबाबत सादर केलेले स्वयंघोषणापत्र, त्यांच्या रहिवासाचे दाखले, आधार कार्ड, शिधापत्रिका इत्यादीवरुन पडताळणी करावी. तसेच आवश्यकतेनुसार अशा महिला शिक्षिकांच्या निवासी पत्त्यावर प्रत्यक्ष जाऊन शहानिशा करावी.

V) *दिव्यांग व वैद्यकीय प्रमाणपत्रांमध्ये व घटस्फोटाच्या आदेशामध्ये तसेच परितक्त्या असल्याबाबतच्या स्वयंघोषणापत्रामध्ये काही अनियमितता केल्याचे आढळून आल्यास, अशा शिक्षकांवर फौजदारी गुन्हे दाखल करण्यात यावेत. तसेच संबंधित शिक्षकाचे निलंबन करुन शिस्तभंगविषयक कार्यवाही करण्यात यावी.*

VI) *अशा शिक्षकांविरुध्द कारवाई न झाल्याचे आढळून आल्यास, संबंधित जबाबदार अधिकाऱ्यांवर जबाबदारी निश्चित करण्यात येईल.'*

65. It is apparent from the above Government Resolutions that the State noticed several deficiencies and irregularities in the medical certificates and UDID cards which certified candidates as being eligible for benefits to the differently abled persons. There was a sudden surge of in-service candidates seeking benefits of the Government Resolution. It was ordered that those candidates whose medical certificates carry deficiencies or mistakes would be subjected to a re-examination.

66. We are of the view that those candidates whose medical certificates or the UDID card suffer from procedural deficiencies or are acquired by nefarious means, would amount to moral turpitude on their part. Acquiring bogus certificates or manipulating authorities to acquire a disability certificate or UDID card so as to

facilitate selection or become entitled to certain service PwD benefits, would amount to an immoral act. Moral turpitude is a conduct that is inherently base, vile, depraved, or contrary to accepted moral standards of the society. It implies something done contrary to justice, honesty, modesty, or good morals. The Supreme Court has described it as an act of baseness, vileness, or depravity in the private and social duties which a person owes to fellow human beings or to society in general. If any person has fraudulently obtained a disability certificate, thereby securing public employment otherwise meant for genuine persons with disabilities, and enjoying statutory benefits funded by the public exchequer for years, would squarely fall within the definition of moral turpitude.

67. Misconduct involving moral turpitude can justify dismissal or removal from service even for a first offence. It disentitles an employee from leniency in punishment. The gravity of the misconduct itself warrants the severest punishment. Courts have consistently held that offences such as misappropriation, fraud, fabrication of records, and bribery, fall squarely within the ambit of moral turpitude. Service length, family circumstances, or being on the verge of retirement, are not mitigating factors, when the

foundational act of acquiring an appointment is a result of playing a fraud.

68. The Courts apply a two-fold test to determine whether an act constitutes moral turpitude. Was the act inherently wrong, not merely prohibited by law? Did it involve a fraud, dishonesty, or deliberate harm to another person or society? It is time and again held by various Courts that moral turpitude means everything done contrary to justice, honesty, modesty, or good morals. Applying the two- fold test, (a) fabrication of records to secure a public office is inherently wrong because it subverts the selection process and betrays public trust and (b) such fabrication causes direct and calculated harm to other eligible candidates who are thereby displaced. An employee guilty of moral turpitude cannot claim protection under service rules or equitable doctrines, and compassion has no place where the initial act itself was vile and calculated.

69. The acts of persons who indulge in acquiring bogus or untruthful medical certificates, satisfy both these tests. The procurement of bogus disability certificates is not merely a

procedural violation, it is an inherently dishonest conduct directed at defrauding the State, depriving genuine persons with disabilities of their rightful entitlements, and enriching oneself through deliberate deception at the expense of a vulnerable class. These persons do not merely commit a procedural irregularity. They, (a) obtain certificates fraudulently by misrepresenting their actual medical condition; (b) use those certificates to secure Government posts meant for genuinely disabled persons, thereby depriving the rightful candidates of their entitlements; (c) avail a host of monetary and service benefits over an extended period, all funded from the tax payers contribution; and (d) when the State sought to verify and expose their fraud, they rush to Court to obstruct the process of locating the truth.

70. In the Affidavit dated 08.09.2025 filed by Respondent No. 6, the reasons for prescribing the guidelines for assessing the disability and also the purpose for such assessment are set out (Page 211). It further appears that on the basis of the said Govt. Circular, the disability of many Petitioners was freshly assessed by the certifying authority (a three members committee). It further appears that the said Authority submitted an adverse report to the

Respondent Zilla Parishad and then, on the basis of the said adverse report, the impugned action was initiated by the Respondent Education Officer.

71. It is canvassed by the Petitioners that the Respondent Education Officer (Primary), has totally and completely misread the whole issue and sought to initiate punitive action against the Petitioners on the sole ground of adverse reports submitted by the Certifying Authority (three members committee) of the specified disability of the Petitioners. It is alleged against the Petitioners that they have committed misconducts of allegedly misguiding the Zilla Parishad by furnishing incorrect information regarding the certificates of disabilities/ serious illness. The said punitive action is being initiated under the provisions of the Maharashtra Zilla Parishad Service (Discipline and Appeal) Rules, 1964.

72. It is canvassed on behalf of the Respondent State that numerous petitions have been filed before different Benches of the Hon'ble High Court challenging the State Government's initiative to verify, scrutinise, and assess Persons with Disabilities working in Government/Semi-Government /Government-aided institutions.

While some Benches have granted interim relief restraining the verification process, others have declined to interfere at the interim stage with the State's power to undertake such verification. This has resulted in conflicting orders, leading to administrative confusion among the authorities responsible for conducting the verification and, in some cases, complete stagnation of the process. Because of the interim orders issued in favour of some of the Petitioners, the authorities have been unable to proceed, thereby hampering the implementation of the State's policy decision to ensure that only genuine Persons with Disabilities receive statutory benefits, is the contention.

73. The need for this verification exercise arose because the State Government has been receiving enormous complaints from various departments and individuals, indicating that several employees in Government service are using bogus disability certificates/non-genuine certificates/temporary or below benchmark disability certificates/UDID cards. Such Employees are working in Government establishments and are also obtaining benefits that are reserved exclusively for persons with benchmark disabilities.

74. As these complaints increased in volume and considering the seriousness, the State considered it essential to undertake a systematic and uniform re-verification of disability certificates, all over the State, without relying upon a select few complaints that may have been filed by disgruntled elements or busy bodies. Many individuals, during this process, provided their documents and appeared before the medical authorities for assessment. However, a significant number of persons refused to appear for the medical check-up and instead approached this Court seeking stay, thereby obstructing the State's verification process.

75. A striking pattern emerging from these Petitions is that, the individuals who questioned the State's procedure, have themselves chosen to avoid the medical assessment and verification. Some have even refused. They are not going to the medical boards, nor are they cooperating with the verification mechanism. Instead, they allege non-adherence of the statutory procedure by the State.

76. The Petitioners argue that if the State Government is dissatisfied with a disability certificate issued by a certifying authority, it must follow the statutory procedure prescribed under

Section 59 of the RPwD Act, 2016. This argument proceeds on a fundamental misunderstanding of Chapter X of the Act. Chapter X deals exclusively with the certification process for individuals seeking a disability certificate. Sections 56 and 57 lay down the guidelines for assessment and the designation of certifying authorities. These provisions govern the process by which a person with disability applies for certification.

77. The State has canvassed that the present verification/scrutiny exercise is not an appeal against a certification decision. It is policy driven verification scrutiny, undertaken by the Employer/Government to ensure compliance with statutory eligibility requirements for reservation and service benefits. Any individual who wishes to avail benefits under the RPwD Act must necessarily undergo the certification process under Chapter X and obtain a UDID card (Central) through the ‘Swavlamban Portal’. The certificate clearly indicates whether the person has a benchmark disability, a disability below the benchmark, or a temporary disability.

78. The Rights of Persons with Disabilities Rules, 2017, especially Rule 18, ensures standardised and uniform certification

across the country. The RPwD Act assigns colour bands to each category of disability. This statutory mechanism and its Rules constitute a complete code for certification. They do not curtail the State's power to verify the authenticity or continuing validity of such certificates for service-related purposes.

79. The purpose of the State Policy is to eliminate bogus/non-genuine disability certificates so that genuine persons with disabilities can receive benefits that rightfully accrue to them. Due to petitions filed by persons, who fear verification/scrutiny/assessment, the entire process has slowed down, resulting in significant prejudice to genuine Persons with Disabilities, who continue to be deprived of their rightful opportunities because fraudulent claimants occupy reserved posts. [Read ***Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira),*** (supra)]. The State desires to act in accordance with the RPwD Act, 2016 and seeks to invoke Section 91 of the Act, because many of the employees who are not genuinely disabled, have been taking benefits meant only for persons with benchmark disabilities.

80. The ZP has contended that the statutory provisions and guidelines issued by the Government as per various resolutions issued from time to time, cast a duty on the Zilla Parishad to ensure that the benefits reserved for Persons with Disabilities (PwD), are not misappropriated. Under Rule 8 of the Maharashtra State Rights of Persons with Disabilities Rules, 2024, the authorities have the specific power to refer 'suspicious' cases for re-assessment. The Government Circular dated 16th June 2025, is a valid administrative guideline aimed at preventing fraud in the issuance of medical and disability certificates. It is within the State's power to regulate the verification of claims for public service benefits to maintain the integrity of the administration

81. The Respondents initiated a re-verification process to ensure that the special benefits and privileges intended for persons with genuine disabilities, are not misappropriated by those who may have manipulated their disabilities. Clause 5.10.5 of the GR dated 18th June 2024, expressly mandates disciplinary action against any teacher who knowingly furnishes false information to seek employment or obtain benefits during their employment. To maintain absolute integrity in service, as required under Rule 3 of

the Maharashtra Zilla Parishad District Service (Conduct) Rules, 1967, a re- verification process was initiated.

82. It is further canvassed that the Government Circular dated 16th June, 2025 specifically provides that if doubt arises regarding a teacher's disability certificate, the authority may order a re-examination by a District Civil Surgeon. The G.R. dated 16th June, 2025 and Communication dated 11th December, 2025 are not arbitrary. They are administrative measures designed to streamline the verification process following a surge in suspicious disability claims. These circulars do not override the RPWD Act, but rather support its spirit of ensuring fair distribution of benefits. The action taken by the Respondent Zilla Parishad is a legitimate exercise of administrative oversight, i.e. monitoring, supervision and control of administrative functions, procedures to ensure compliance with policies and legal standards. The Petitioners cannot claim a vested right to a benefit based on documentation that an expert Government Medical Board has found inconsistent with their actual physical status.

83. According to the State, reassessment is necessary because simply verifying whether a UDID card exists or is available

on the ‘Swavalamban Portal’, does not reveal whether the disability mentioned on the card and its percentage is genuine or accurate. The portal can only confirm that a UDID card has been issued. It cannot tell whether the person actually had the disability (which may be temporary) at the time it was claimed, whether the disability still exists, or whether the percentage has now changed.

84. It has been repeatedly observed that many individuals do have valid UDID cards, yet when seen in person, they appear to have no disability at all. This issue is especially common in cases of hearing impairment, certain neurological conditions, low vision, or certain locomotor disabilities, which are invisible and therefore easy to fake or exaggerate. That is why such a large number of Petitioners before this Court, fall in these categories, and that too in the range of 40% to 50% disability.

85. The State has already identified several cases in which individuals used fraudulent methods to obtain disability certificates and UDID cards. The data already placed on record clearly shows that many such individuals, despite holding valid UDID cards, were found to have 0% disability upon medical reassessment conducted

recently. The Additional GP has placed on record, a ready reference chart of the details of the recently conducted medical re-assessments. The said chart is annexed to this Judgment, as Annexure 'X'. This is not speculation. If re-assessment had not been conducted, these individuals would have continued to claim benefits meant only for persons with benchmark disabilities, and no one would have ever known that they were not genuinely disabled.

86. During the hearing, the Petitioners argued that their disability percentage might have got reduced only because the assessment guidelines have changed from the old ones to the new ones. However, when both sets of guidelines are compared, there is no difference between them. In fact, logically, if a disability is truly long term as defined in Section 2(s) of the Act, it should remain the same or increase with age. It cannot decrease. A drastic reduction in the disability percentage usually means either that the original disability was temporary or that the earlier certificate was obtained by adopting improper means.

87. Reassessment is, therefore, the only reliable way to uncover fraudulent disability claims because it goes beyond

checking documents and directly examines the person's current, real medical condition. Fraud in disability benefits usually happens at the certification stage when a person misrepresents impairment, exaggerates symptoms, or uses influence or false documentation, to obtain a certificate. A UDID card or certificate alone cannot determine whether the person was genuinely disabled at the time of issuance or is still disabled today.

88. In **State of U.P. Vs Ravindra Kumar Sharma & Others (Civil Appeal arising from SLP(C) NO.8880/2011)**, the question involved was as to the right of the appellant to verify the disability certificates issued by the Medical Board under the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996. In paragraph nos. 10 and 11, it was held as under :

> *10. The Division Bench of the High Court has ignored and overlooked the material fact that verification has already been done by the Medical Board, and it has been found that certificates of 21% were fraudulently obtained. The High Court has issued a direction in the impugned order for the physical verification of the candidate by the authorities, and, if he does not suffer from a disability, the certified candidate can be subjected to a fresh medical test. The High Court has overlooked that, on mere physical verification, it may not be possible to ascertain various kinds of disabilities, such as eye impairments, ear impairments, etc. That can only be done*

through a medical examination, particularly when the High Court itself has observed that, in cases of genuine suspicion and fraud, medical certification can be reopened. The respondents have not questioned directions issued in this regard. In fact, the process of re-verification was already over when the High Court issued the aforesaid directions.

11. In our considered opinion in the peculiar facts of this case of such a fraud and genuine suspicion raised in the representation lodged by the Viklang Sangh and when 21% of such certificates have been found to be fraudulently obtained there was no scope for the Division Bench to interfere and issue order to perpetuate fraud, writ is to be declined in such a scenario and no equity can be claimed by the respondents.

89. The Hon'ble Supreme Court reversed the decision of the Division Bench and restored the view of the Single Bench, holding that, when fraud is established on such a large scale, the State Government has full authority to order re-verification. Mere physical verification is insufficient to detect all disabilities (e.g., vision or hearing impairment) and a proper medical examination is necessary. The Division Bench erred in overlooking the fact that re-verification had already been completed and that 21% of the certificates were found to be fraudulent. Before taking individual action against candidates, each person must be issued a show cause notice and should be given an opportunity to respond, and the entire process should be completed within four months. No equity can be

claimed by persons who obtain benefits through fraudulent acts or misrepresentation. Even solemn acts and official certificates are not sacrosanct, if obtained through fraud, is the view of the Hon'ble Supreme Court.

90. The **Rajasthan High Court, in S.B. Civil Writ Petition no. 15370/2025 and all similar connected Writ Petitions (supra),** delivered a judgment and concluded in paragraph nos. 59 to 62 as under :-

> *59. In view of discussions made herein-above, the State Government is under a constitutional obligation to provide equal protection, as provided under Articles 14 and 16 of the Constitution of India, and bound to follow the doctrine of reasonable accommodation while considering the case of any individual who is declared as a person with disabilities under the RPwD Act, 2016. At the same time, the State Government is also duty-bound to prevent misuse of the provisions of the RPwD Act, 2016, by any individual, with the aim to usurp the employment opportunities meant for persons with benchmark disabilities. If the State Government fails in its constitutional obligation or omits to do any act in furtherance of the directions and duties as mandated under the RPwD Act, 2016, then they are liable for discriminatory omission.*
>
> *60. The State Government or the recruiting agency has every right to assess or reassess the case of benchmark disability and direct the candidate(s) to undergo assessment or reassessment of disability in accordance with the*

guidelines issued by the Government of India under Section 56 of the RPwD Act, 2016. The assessment has to be made by the designated certifying authorities as declared under Chapter X of the RPwD Act. A designated certifying authority cannot issue any certificate that is not in accordance with the guidelines issued by the Government of India under Section 56 of the RPwD Act, 2016. A designated certifying authority is not competent to issue a disability certificate beyond its jurisdiction, as determined by the State Government.

61. The State Government or the recruiting agency may direct anyone, whether an employee who secured a job on the basis of a disability certificate or a candidate who appeared to claim a reservation quota under the RPwD Act, 2016, to appear before any designated authority to assess or reassess the disability of such person.

62. Thus, the writ petitions are disposed of in the following manner:-

(i) The petitioner(s) have no right to challenge the assessment or reassessment order issued by the State Government or the respondent (s) for reassessment of benchmark disability. No person is entitled to be considered for appointment to a seat reserved for persons with benchmark disabilities, unless his/her benchmark disability is assessed as per Chapter-X of the RPwD Act, 2016.

(ii) The respondent(s) are free to assess or reassess the benchmark disability of the petitioner(s) in accordance with the provisions of the RPwD Act, 2016. Such assessment shall be made in accordance with the guidelines framed by the Government of India in exercise of powers under Section 56 of the RPWD Act, 2016.

(iii) Any certificate issued by any Medical Board or Medical Officer, not designated as a certifying

authority under Section 57 of the RPwD Act, is invalid and illegal, and the same cannot be relied upon for availing any benefit under the RPwD Act, 2016, or the rules made thereunder.

(iv) The respondent(s), including recruiting agencies, are directed to ensure that the certification process conforms to the standards as prescribed by the Government of India under the RPwD Act,2016, and the rules made thereunder.

(v) The State Government is also under an obligation to notify the designated certifying authorities along with their jurisdiction for issuance of certificates under Section 2 (r), 2(s), or 2(t) to declare a person as having a disability or a benchmark disability, or a person with high support needs.

(vi) After assessment or reassessment of in-service candidate(s), if the respondent(s) find that the candidate does not have a benchmark disability as required under the Act of 2016, then they are free to take any action as discussed herein-above.

(vii) If a candidate appears in a recruitment process on the basis of benchmark disability, then the recruiting agency is duty-bound to assess or reassess his benchmark disability through a designated certifying authority as notified under Section 57 of the RPwD Act, 2016. Such an assessment has to be made strictly on the basis of guidelines issued by the Government of India under Section 56 of the RPwD Act, 2016.

(viii) The petitioner(s) are not entitled to any protection under the law. Still, any action against them shall be taken or initiated only after reassessment of their benchmark disability under the directions of the respondent(s),

following the procedure prescribed under Chapter X of the RPWD Act, 2016.

91. Following the law laid down by the Hon'ble Supreme Court in ***Ravindra Kumar Sharma*** (supra) and the Rajasthan High Court, while expressing our complete agreement with the observations in paragraph 62 of ***Ram Prakash Kharlwa*** (supra), we find that the following principles can be culled out to be made applicable to the cases before us, in the peculiar facts and circumstances, while reiterating the directions set out in paragraph 62 of ***Ram Prakash Kharlwa*** (supra):

a) Re-verification of disability certificates is permissible under the Maharashtra Rules of 2024. The State's direction for re-examination, for valid reasons, does not amount to a violation of Articles 14, 16 or 21 of the Constitution of India.

b) There is no conclusive presumption in favour of a disability certificate once issued under the RPWD Act, 2016, so as to be binding against all entities, for all purposes and in perpetuity, unless the strict guidelines applicable while issuing the UDID cards, have been scrupulously followed and non-observance of a material/significant condition thereunder would render such card invalid.

c) A certificate issued by an authority, not designated under Section 57 of the RPwD Act, or contrary to the guidelines under Section 56, is invalid and non-est in the eyes of the law. No equities or benefits can be claimed in perpetuity on the basis of such a certificate.

d) A person who secures Government employment by producing a fake or false disability certificate, has no protection under the law. Employment obtained through fraud is void ab initio and confers no protected right.

e) The employer may terminate the services of such a person (covered by clause ‘d’ above), by issuing him/her a show cause notice for a hearing and conduct a departmental enquiry on the charge of having produced a forged or bogus or false certificate/UDID card. In the alternative, recourse to S.91 of the 2016 Act, is legally permissible.

f) Criminal prosecution under Section 91 of the RPwD Act is available and within the domain of the concerned department, in view of clauses (d) and (e).

(also read, **Ram Chandra Singh v. Savitri Devi, (2003) 8 SCC 319** and **Bhaurao Dagdu Paralkar v. State of Maharashtra, (2005) 7 SCC 605**.)

g) The Rajasthan High Court, however, has carved out one significant protection to the Employees, which we approve as well. It held that, where a State Government, after a change of Government, pursues an employee to undergo reassessment multiple times, the employee does have a right to challenge such action. . However, in the present cases, in the back-drop of a first time policy driven uniform verification and distinguishing facts, such remedy will not be available to the present Employees.

92. We are aware that we are dealing with peculiar facts and strange and unforeseen circumstances. It rarely so happens that after issuance of the medical certificates and the UDID cards, a large number of beneficiaries are noticed to have indulged in irregularities/fraud, which also stinks of the involvement of the medical faculty. Normally, there is no reason to suspect anybody who has such certificate or card. However, from 2023 onwards, the concerned department of the State has been grappling with growing

discoveries of exaggerated disability percentages. Pursuant to the Administrative Order passed by the Hon'ble The Chief Justice, all these matters from the Benches have been clubbed and placed before our Court. We have directed, as an interim measure, that all the Petitioners and similarly placed employees would subject themselves for the medical examination and we have restrained the concerned department for initiating precipitative action against any of these Petitioners/employees, until further orders.

93. We are of the opinion that the impugned action of medical re-examination stands the test of Article 14 of the Constitution of India. The action of the State authorities must stand the test of non-arbitrariness, which is not a formal requirement. It is inherently a substantive constitutional command. In ***Kumari Shrilekha Vidyarthi and Others vs. State of Uttar Pradesh and Others***[1], the Hon'ble Supreme Court held that every State action must be supported by reason and must eschew arbitrariness, the ratio being that arbitrariness is the very antithesis of equality and fairness. This principle was crystallised in the case of ***Maneka Gandhi vs. Union of India and Another***[2], when it was held that the

1 (1991) 1 SCC 212
2 (1978) 1 SCC 248

procedure established by law must be just, fair, and reasonable, and not arbitrary or oppressive. It is trite that statutory interpretation cannot be segregated from its consequences, particularly where those are shaped by the conduct of the State itself. In all these cases before us, we find that the State is conducting the medical re-examination, pan-Maharashtra and is not restricted to any particular area of region in the State. All PwD employees are uniformly subjected to the said test.

94. The learned Senior Advocates Shri Bandiwadekar, Shri Pakale and Shri Kadam, along with may advocates have contended that, at several places, the State has not constituted any special medical board and several employees have been directed to undergo medical examination at the hands of either a Civil Surgeon or a team of doctors at the local places. The learned Addl GP submits that the State has issued a GR constituting Medical Boards even at the Taluka levels and no Employee has been subjected to a medical re-examination by any medical practitioner or Civil Surgeon.

ORDER AND DIRECTIONS

95. Having concluded, in the light of the submissions, cited Judgments/Orders of the Hon'ble Supreme Court and the

Rajasthan High Court that the State has the authority to carry out medical examination for re-assessment, in peculiar, specific and warranting circumstances, we deem it appropriate to approve such exercise undertaken by the State, as a one time measure, provided a special Medical Board is constituted for the purpose of the medical re-examination. In future cases (new cases) of appointments or in-service disability claims, after the date of this judgment, the authorities would be bound to follow the RPwD Act, 2016 and the 2017 Rules r/w the Maharashtra Rules, 2024.

96. In view of the above, **all the Writ Petitions are partly allowed** and the impugned orders of suspension/stoppage of salaries/orders for registering FIRs/cancellation of Approvals or the Shalarth IDs/disciplinary orders/transfers, etc., issued during the continuance of the medical re-verification/re-assessment exercise, shall stand quashed and set aside, subject to the directions set out in Paragraph No.97 hereunder.

97. Since the State claims to have constituted special medical boards, as per the GR dated 14.09.2018 and 09.01.2019 for such medical re-examination/re-verification/re-assessment of the

disabilities of all Employees, we deem it appropriate to regulate the remedial/consequential action, in our Writ jurisdiction under Article 226 of the Constitution of India, in order to avoid shockingly disproportionate disciplinary action by the Employer. For the said purpose, we are placing the Petitioners/employees (definition of Employees/PwD is mentioned in the NOTE below the table), who are directed to undergo fresh medical examination, into the following categories and we are recommending action to be initiated after the results of such medical tests, as under :

CATEGORIES		ACTION TO BE INITIATED
(a)	Employees who have superannuated or have opted for voluntary retirement, as on the date of this Judgment	None should be subjected to a medical re-examination/re-verification or a punitive action. They shall be entitled for all retirement benefits, if there is no other impediment.
(b)	Employees/PwDs, notwithstanding the length of service of any such candidate, found to have acquired bogus medical certificates and/or bogus UDID cards, after the medical re-assessment/re-verification exercise	they shall be issued with show-cause notices with 15 days notice period to tender their written say/statement. If their replies are found to be unsatisfactory, the Employer shall issue them a charge sheet and conduct a departmental enquiry and if the charges are proved, pass an order of compulsory retirement from service.
(c)	Employees/PwDs whose disability percentage has fallen below 40% upto	they would be deprived of PwD reservation service benefits made available on the basis of any

	11% (11-39%), after the medical re-verification/ re-assessment exercise	Government Resolution issued from time to time.
(d)	Employees/PwDs, whose disability percentage has fallen between 0% to 10%, after the medical re-verification/re-assessment exercise	they shall be issued with show-cause notices with liberty to file their written say/reply within 15 days. If their replies are found to be unsatisfactory, the Employer shall issue them a charge sheet and conduct a departmental enquiry and if the charges are proved, pass an order of compulsory retirement from service.

Note :

(i) All '**Employees**' or '**PwDs**' shall mean and include, PwDs (disability prior to joining service) who secured employment on posts reserved for the PwD, and those in-service Employees who have acquired the disability while being in service.

(ii) All '**Employees**' or '**PwDs**' shall mean and include, the Petitioners in the Court, as well as those identically placed who have not approached the Court.

(e) We direct that if there is any such case of examination by any entity other than a State constituted Medical Board, or if any employee has acquired an UDID card and such a card has been subjected to a re-verification exercise at the hands of a Civil Surgeon or a team of doctors, who do not constitute a Medical Board, the test results of such re-examination should be discarded and such Employee should be referred to a Medical Board constituted for re-examination, afresh along with the UDID card, if any.

(f) None of the Employees/PwDs, shall refuse to undergo the medical re-examination/re-verification/re-assessment.

(g) If any such Employee/PwD refuses the examination on the first occasion, he/she will be granted a second chance within 21 days. If he/she declines even on the second occasion by putting forth any reason, it shall be deemed that he/she desires to avoid the examination and such Employee/PwD shall then be placed under suspension until he/she undergoes the examination. During such suspension, he/she shall be entitled for only 50% basic salary as suspension allowance until the suspension lasts. If he/she is adamant and does not undergo the medical re-examination and prefers to continue under suspension till superannuation, he/she shall be entitled for only 50% of all retirement dues/pension/gratuity, etc..

(h) Such medical re-examination/re-verification/re-assessment exercise, which has already commenced a few months ago, shall be completed by the State Government, within a further period of 120 days.

(i) If any Employee/PwD, falling in the afore stated category (b) to (f), desires to avoid any disciplinary action, he shall file an apology affidavit with an application for voluntary retirement, provided he/she is eligible for pensionary benefits, and quit employment with all retirement dues, the Employer may accept such application within 15 days of it's submission. If any Employer desires to reject such apology and the application for voluntary retirement, a reasoned order shall be passed within 15 days, failing which, it shall be deemed to have been accepted.

98. We make it clear that we have issued the above directions in view of the peculiar facts and unforeseen circumstances, as a one time measure in the light of our analysis and conclusions on the material available before us. We also record that,

it is only in such circumstances, that we are not approving action u/s 91. In any such future cases, Section 91 would have applicability.

99. The fear of 'black sheep' manipulating the medical certificates or UDID cards for facilitating their appointment, cannot be ruled out, even in future. Therefore, we direct that, in future, any candidate who applies for a post reserved for a PwD or an in-service candidate claims to have acquired any disability, each such case shall be subjected to the rigours of the exercise as is provided under the RPwD Act, 2016, the 2017 Rules and the Maharashtra Rules, 2024. A UDID card issued by following the due procedure as prescribed by the '*Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Govt. of India*', for the purpose of issuing UDID CARD through the Swavlambancard.gov.in portal, alone shall be held to be valid. Only such UDID card and accompanying documents would be considered valid, at the first instance, i.e. at the time of his entry in employment from the PwD quota or before extending the PwD service benefits to an in-service candidate.

100. We also make it clear that in any such a re-verification exercise, the role of any Doctor involved in the issuance of a bogus medical certificate or UDID card or exaggeration in the disability percentage, is noticed, if the said Doctor is in service, he/she shall be subjected to disciplinary action. The case of such a Doctor shall be referred to the concerned department Head under the letter of the employer/Zilla Parishad/Head of the Education Department of a Corporation etc. for disciplinary action. If such a doctor has superannuated, an FIR shall be registered against him/her.

101. We also direct that henceforth, in recruitment in such instrumentalities as like the Respondents before us, any candidates applying for a post reserved for the PwD, would present their medical certificates and UDID cards, which shall be scrutinized threadbare by the prospective employer and such candidates shall be subjected to a detailed medical examination only to confirm that the medical certificates/UDID cards are genuine and the percentage of disability mentioned therein has been appropriately arrived at. Thereafter, the appointments may be made.

102. Pending **Interim Applications** would not survive and **stand disposed off**.

(ABHAY J. MANTRI, J.) **(RAVINDRA V. GHUGE, J.)**

मा. उच्च न्यायालय, मुंबई येथे दाखल रिट याचिका क्र. 834/ 2026 व इतर हेमलता रामदास पवार व इतर विरुद्ध महाराष्ट्र शासन व इतर.

शासन निर्णय दिनांक 9 आक्टोबर, 2025 नुसार शासकीय कार्यालयांतर्गत आस्थापनांवरील बनावट दिव्यांग प्रमाणपत्राच्या आधारे शासकीय नोकरी मिळविलेल्या अधिकारी / कर्मचारी यांची संख्या व त्यांचेवर करण्यात आलेल्या कार्यवाहीबाबत दिनांक 4 मे, 2026 रोजीपर्यंतची सद्यस्थितीबाबतचा अंतरिम अहवाल/ माहिती.:– **(जिल्हा परिषद)**

अ.क्र.	कार्यालयाचे नाव	एकूण दिव्यांग अधिकारी/ कर्मचाऱ्यांची संख्या	पडताळणी करण्यात आलेल्या अधिकारी / कर्मचाऱ्यांची संख्या	पडताळणीअंती प्रमाणपत्र नसलेले/ बनावट दिव्यांगत्व प्रमाणपत्र / 40 टक्के पेक्षा कमी दिव्यांगत्व अढळलेल्या अधिकारी / कर्मचाऱ्यांची संख्या	शेरा
1	**जिल्हा परिषद रत्नागिरी**	298	130	17	उर्वरित 54 अधिकारी / कर्मचारी यांची पडताळणी करण्याची कार्यवाही सुरु आहे.
2	**जिल्हा परिषद, ठाणे**	119	118	09	–
3	**जिल्हा परिषद पुणे**	629	211	46	मा. उच्च न्यायालय, मुंबई यांचेकडील रिट पिटीशन क्र. 17568/2025 दि. 24 डिसें. 2025 नुसार यांचिकाकर्त्याच्या सेवा संरक्षित करण्यात आलेल्या असल्याने मा. उच्च न्यायालय, मुंबई यांचा पुढील आदेश प्राप्त झाल्यानंतर नियमोचीत कार्यवाही करण्यात येईल.
4	**जिल्हा परिषद सिंधुदूर्ग**	123	0	0	दिव्यांग प्रमाणपत्राचे आधारे लाभ घेतलेल्या कर्मचाऱ्यांचे UDID पडताळणी करण्याची कार्यवाही सुरु आहे.
5	**जिल्हा परिषद पालघर**	145	118	–	27 कर्मचाऱ्यांनी युडीआयडी कार्ड पुढील तपासणीसाठी सादर केलेले आहेत.
6	**जिल्हा परिषद सांगली**	286	286	14	
7	**जिल्हा परिषद कोल्हापूर**	403	114	12	उर्वरित कर्मचारी यांची पडताळणीची कार्यवाही सुरू आहे.
8	**जिल्हा परिषद नाशिक**	614	40	27	उर्वरीत अधिकारी / कर्मचारी यांची पडताळणी कार्यवाही सुरू आहे.

9	जिल्हा परिषद अहिल्यानगर	545	409	19	
10	जिल्हा परिषद जालना	261	192	–	40 कर्मचारी पडताळणी विरोधात मा. उच्च न्यायालयात गेले असून सदर प्रकरण न्यायप्रविष्ठ आहे.
11	जिल्हा परिषद परभणी	279	279	01	
12	जिल्हा परिषद लातूर	283	282	05	तसेच अद्याप UDID प्राप्त नसलेल्या कर्मचाऱ्यांवर शासन निर्णय दि. 27.06.2025 प्रमाणे कार्यवाही प्रस्तावीत करण्यात आली आहे.
13	जिल्हा परिषद नांदेड	630	523	04	04 शिक्षकांना निलंबित केले आहे. 107 कर्मचाऱ्यांचे पडताळणी अहवाल अप्राप्त.
14	जिल्हा परिषद धाराशिव	283	112	–	112 दिव्यांग अधिकारी / कर्मचाऱ्यांची पडताळणी करण्यात आलेली आहे. तथापि अहवाल अद्यापि अप्राप्त आहे. उर्वरित 171 कर्मचाऱ्यांची पडताळणी करण्याची कार्यवाही सुरु आहे.
15	जिल्हा परिषद बुलढाणा	880	880	–	सदर प्रकरणी दिव्यांग कर्मचाऱ्यांच्या दिव्यांगत्वाची तसेच त्यांचे दिव्यांग प्रमाणपत्र तपासणीची कार्यवाही सुरु आहे.
16	जिल्हा परिषद यवतमाळ	470	470	17	64 कर्मचाऱ्यांना कारणे दाखवा नोटीस बजावण्यात आलेली असून त्यापैकी 47 कर्मचाऱ्यांनी मा. उच्च न्यायालय, खंडपीठ नागपूर येथे याचिका दाखल केली आहे.
17	जिल्हा परिषद अकोला	260	–	–	कार्यालयात कार्यरत दिव्यांग कर्मचाऱ्यांची पडताळणी करणेबाबत सूचना दिलेल्या आहेत.
18	जिल्हा परिषद नागपूर	198	182	01	
19	जिल्हा परिषद वर्धा	99	95	01	UDID CARD प्रलंबित असलेल्या एकुण–04 कर्मचारी यांना UDID CARD सादर करणेबाबत कारणे दाखवा नोटीस देण्यात आली असुन दिव्यांग प्रमाणपत्र पडताळणी करणेबाबत कार्यवाही सुरु आहे.
20	जिल्हा परिषद गोंदिया	225	225	04	ज्या कर्मचाऱ्यांनी अद्यापही UDID प्रमाणपत्र कार्यालयास सादर केलेले नाही त्यांचे लाभथांबविणे बाबत संबंधित

					विभागास सूचित करण्यात आलेले आहे. तशी कार्यवाही संबंधित विभागांनी केलेली आहे.
21	जिल्हा परिषद भंडारा	289	286	3	
22	जिल्हा परिषद गडचिरोली	178	164	01	
23	जिल्हा परिषद नंदुरबार	207	197	2	UDID सादर न केलेल्या 19 कर्मचाऱ्यांना कारणे दाखवा नोटीस देण्यात आलेली आहे.
24	जिल्हा परिषद जळगाव	687	57	29	06 कर्मचाऱ्यांचे प्रकरण न्यायप्रविष्ठ आहे. 4 कर्मचाऱ्यांवर विभागीय चौकशी प्रस्तावित करण्यात आलेली आहे.
25	जिल्हा परिषद छत्रपती संभाजी नगर	353	353	03	UDID सादर न केलेल्या कर्मचाऱ्यांचे लाभ थाबविणे बाबत सूचना दिलेल्या आहेत.
26	जिल्हा परिषद बीड	456	16	3	2 कर्मचाऱ्यांनी अपील केलेले आहे.
27	जिल्हा परिषद सातारा	697	512	141	सदर 141 कर्मचाऱ्यांपैकी 83 कर्मचाऱ्यांनी मा. उच्च न्यायालय, मुंबई सर्किट बेंच कोल्हापुर येथे 17 रिट याचिका दाखल केल्या आहेत. 134 कर्मचाऱ्यांचे पाल्याचे दिव्यांगत्वाचे प्रमाण 40 टक्के पेक्षा कमी आढळून आले असून कारवाई करण्यात येत आहे. उर्वरीत कर्मचाऱ्यांच्या दिव्यांगत्व प्रमाणपत्राची पडताळणी करणेबाबतची कार्यवाही सुरु आहे.
28	जिल्हा परिषद रायगड	318	164	–	164 कर्मचाऱ्यांपैकी 66 कर्मचाऱ्यांची तपासणी उपसंचालक, आरोग्य सेवा, मुंबई मंडळ, ठाणे यांचेकडून करण्यात आली आहे. मात्र अहवाल अप्राप्त आहेत. शिक्षक संवर्गातील 98 दिव्यांग कर्मचाऱ्यांची पडताळणी करण्याबाबत उपसंचालक आरोग्य सेवा, मुंबई मंडळ यांचेकडे सादर केले आहे.
29	जिल्हा परिषद चंद्रपूर	255	255	6	6 कर्मचाऱ्यांचे दिव्यांगत्वाचे प्रमाण 40 टक्के पेक्षा कमी आढळून आले आहे.

30	जिल्हा परिषद अमरावती	281	281	2	–
31	जिल्हा परिषद धुळे	264	57	02	
32	जिल्हा परिषद हिंगोली	95	80	06	
33	जिल्हा परिषद वाशिम	152	66	0	41 कर्मचाऱ्यांचे अहवाल अद्यापी अप्रात आहेत. उर्वरित 86 कर्मचाऱ्यांच्या तपासणीची कार्यवाही सुरु आहे.
34	जिल्हा परिषद सोलापूर	497	381	0	–
	एकूण	**11,759**	**7,535**	**375**	

मा. उच्च न्यायालय, मुंबई येथे दाखल रिट याचिका क्र. 834/ 2026 व इतर हेमलता रामदास पवार व इतर विरुद्ध महाराष्ट्र शासन व इतर.

शासन निर्णय दिनांक 9 आक्टोबर, 2025 नुसार शासकीय कार्यालयांतर्गत आस्थापनांवरील बनावट दिव्यांग प्रमाणपत्राच्या आधारे शासकीय नोकरी मिळविलेल्या अधिकारी / कर्मचारी यांची संख्या व त्यांचेवर करण्यात आलेल्या कार्यवाहीबाबत दिनांक 10 फेब्रुवारी, 2026 रोजीपर्यंतची सद्यस्थितीबाबतचा अंतरिम अहवाल/ माहिती. (जिल्हाधिकारी कार्यालय) :–

अ.क्र.	**कार्यालयाचे नाव**	एकूण दिव्यांग अधिकारी/ कर्मचाऱ्यांची संख्या	पडताळणी करण्यात आलेल्या अधिकारी / कर्मचाऱ्यांची संख्या	पडताळणीअंती प्रमाणपत्र नसलेले/ बनावट दिव्यांगत्व प्रमाणपत्र / 40 टक्के पेक्षा कमी दिव्यांगत्व अढळलेल्या अधिकारी / कर्मचाऱ्यांची संख्या	शेरा
1	विभागीय आयुक्त कार्यालय, छत्रपती संभाजीनगर	279	279	01	1 कर्मचाऱ्याचे दिव्यांगत्वाचे प्रमाण 40 टक्के पेक्षा कमी आढळून आले आहे.
2	विभागीय आयुक्त कार्यालय, नाशिक	4	4	0	–
3	जिल्हाधिकारी कार्यालय, गोंदीया	27	23	–	उर्वरित कर्मचाऱ्यांना UDID प्रमाणपत्र सादर करणेबाबत सुचना दिलेल्या आहेत.
4	जिल्हाधिकारी कार्यालय, गडचिरोली	17	16	–	1 कर्मचाऱ्यास पडताळणी करिता उपस्थित राहणेबाबत कळविण्यात आले आहे.
5	जिल्हाधिकारी कार्यालय, कोल्हापूर	61	51	–	10 कर्मचाऱ्यांनी UDID ओळखपत्र मिळवण्यासाठी अर्ज सादर केला असून त्यांचे UDID ओळखपत्र अद्याप अप्राप्त आहे.
6	जिल्हाधिकारी कार्यालय, वर्धा	20	20	–	–
7	जिल्हाधिकारी कार्यालय, नागपूर	34	34	–	–

8	जिल्हाधिकारी कार्यालय, मुंबई शहर	7	3	–	–
9	जिल्हाधिकारी कार्यालय, चंद्रपूर	18	11	0	–
10	जिल्हाधिकारी कार्यालय, नंदूरबार	13	12	0	–
11	जिल्हाधिकारी कार्यालय, सातारा	4	4	0	–
12	जिल्हाधिकारी कार्यालय, नांदेड	68	46	0	–
एकूण		**552**	**503**	**01**	**–**

मा. उच्च न्यायालय, मुंबई येथे दाखल रिट याचिका क्र. 834/ 2026 व इतर हेमलता रामदास पवार व इतर विरुद्ध महाराष्ट्र शासन व इतर.

शासन निर्णय दिनांक 9 आक्टोबर, 2025 नुसार शासकीय कार्यालयांतर्गत आस्थापनांवरील बनावट दिव्यांग प्रमाणपत्राच्या आधारे शासकीय नोकरी मिळविलेल्या अधिकारी कर्मचारी यांची संख्या व त्यांचेवर करण्यात आलेल्या कार्यवाहीबाबत दिनांक 10 फेब्रुवारी, 2026 रोजीपर्यंतची सद्यस्थितीबाबतचा अंतरिम अहवाल/माहिती. (महानगरपालिका) :–

अ.क्र.	**कार्यालयाचे नाव**	एकूण दिव्यांग अधिकारी/ कर्मचाऱ्यांची संख्या	पडताळणी करण्यात आलेल्या अधिकारी / कर्मचाऱ्यांची संख्या	पडताळणीअंती प्रमाणपत्र नसलेले/ बनावट दिव्यांगत्व प्रमाणपत्र / 40 टक्के पेक्षा कमी दिव्यांगत्व अढळलेल्या अधिकारी / कर्मचाऱ्यांची संख्या	शेरा
1	नवी मुंबई महानगरपालिका	60	57	1	–
2	चंद्रपुर शहर महानगरपालिका, चंद्रपुर	12	12	–	4 कर्मचाऱ्यांची पडताळणी करण्यात आली असुन त्यांचे अहवाल प्राप्त झालेले आहेत. उर्वरीत 8 कर्मचाऱ्यांचे अहवाल अद्यापी अप्राप्त आहेत.
3	महानगरपालिका, लातुर	5	5	–	–
4	महानगरपालिका, धुळे	14	14	–	–
5	महानगरपालिका, पुणे	136	06	–	–
6	बृहन्मुंबई महानगरपालिका	1259	188	1	उर्वरित अधिकारी / कर्मचाऱ्यांच्या पडताळणीची कार्यवाही सुरु आहे.
7	सांगली, मिरज व कुपवाड शहर महानगरपालिका	35	35	–	–
8	नागपूर महानगरपालिका	48	32	–	–
9	नांदेड वाघाळा शहर	47	08	0	दिव्यांगत्व प्रमाणपत्र सादर न करणाऱ्या 3

	महानगरपालिका, नांदेड				कर्मचाऱ्यांची विभागीय चौकशी प्रस्तावित करण्यात आलेली आहे.
	एकूण	**1,616**	**357**	**02**	**–**