



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

MCA NO.258 OF 2026

IN

WRIT PETITION NO.2097 OF 2026 (D)

RASHTRIYA YUVAK VIKAS MANDAL BHENDALE, SAONER, THR. HEAD
PRESIDENT AND ANOTHER VS STATE OF MAHARASHTRA, THR. SECRETARY,
HANDICAPPED WELFARE DEPT., MUMBAI AND ORS.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. Sunil Kulkarni, Advocate for the petitioner/s
Ms K.P. Marpakwar, AGP for the respondent Nos.1 and 2/State

CORAM : **ANIL S. KILOR AND RAJ D. WAKODE, JJ.**

DATE : **23.04.2026**

1. Heard the learned counsel for the petitioners/applicants.
2. The present applicants/original petitioners have approached this Court by filing the present application for review under Order 47 of the Code of Civil Procedure 1908, thereby seeking review of the order dated 17.03.2026, passed by this Court in Writ Petition No.2097 of 2026.
3. On 17.03.2026, this Court noted that despite repeated opportunities granted to the learned counsel for the petitioners to appear and argue the matter, none appeared on their behalf. Hence, this Court, upon perusal of the petition, observed that the order impugned before this Court was passed by Respondent No.2 – the Commissioner, Handicapped Welfare, Maharashtra State, Pune, under Sections 51 and 52 of the Rights of Persons with Disabilities Act, 2016 (for short, “the Act of 2016”). The said order is appealable before Respondent No.1 by way of a statutory appeal under Section 53 of the Act of 2016.
4. In view of the aforesaid alternate remedy available to the

petitioners, this Court disposed of the writ petition with liberty to the petitioners to avail the aforesaid alternate remedy before the respondent No.1.

5. Today, the learned counsel for the petitioners has invited our attention to the pleadings in para 3 of the application, which reveals that the earlier counsel, for the petitioners, could not appear before this court due to sickness and severe back-pain. The petitioners have taken case papers from the earlier counsel and engaged the present counsel to assist this Court.

6. The learned counsel for the petitioners has also invited our attention to the communication dated 13.11.2025 issued by the respondent No.1-Secretary, Handicapped Welfare Department, Mumbai, which is at page 37 of the petition.

7. Perusal of the aforesaid communication reveals that Respondent No.1, vide communication dated 13.11.2025, directed Respondent No.2 – the Commissioner, Handicapped Welfare, Maharashtra State, Pune, to cancel the registration of the petitioners and to transfer/adjust the students of the petitioners' school to other schools. In compliance with the said directions issued by Respondent No.1, Respondent No.2 has passed the impugned order dated 29.12.2025 under Sections 51 and 52 of the Act of 2016.

8. The aforesaid order dated 29.11.2025, vide reference No.3, refers to the aforesaid communication dated 13.11.2025 issued by the respondent No.1.

9. In view of the above, although a statutory appeal under Section 53 of the Act of 2016 is available to the petitioners before Respondent No.1, relegating the petitioners to such alternate remedy would be an empty formality and not an efficacious remedy, as the appellate authority, i.e. the respondent No.1 has already made up his mind and directed the respondent No.2 to cancel the registration of

the petitioners.

10. For the reasons stated above, the review application is **allowed** and disposed of.

11. The Writ Petition No.2097 of 2026 is restored to its original file.

12. List the petition on **27.04.2026** for admission.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)