



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

WRIT PETITION NO. 3140 OF 2026

Shri. Uttam Madhavrao Madavi,
Aged about 46 years, Occ.-Service,
R/o. Plot No.26, Wanjari Layout,
Deshmukh Wadi, Post- Alodi,
Tah. & Distt. Wardha 442001.
Mobile :- 7350390915.

.... **PETITIONER**

// **VERSUS** //

- 1) **State of Maharashtra,**
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
- 2) **Chief Executive Officer,**
Zilla Parishad, Wardha.
- 3) **Education Officer (Primary),**
Zilla Parishad, Wardha.

.... **RESPONDENTS**

Mrs. S. W. Deshpande, Advocate for the Petitioner.
Mr. S. V. Narale, Assistant Government Pleader for
the Respondent No.1.

**CORAM : SMT. M.S. JAWALKAR, AND
NANDESH S. DESHPANDE, JJ.**

DATE : 17th APRIL, 2026.

ORAL JUDGMENT : (Per : SMT. M.S. JAWALKAR, J.)

1. Heard learned Counsel for the Petitioner and learned
Assistant Government Pleader for the Respondent No.1.

2. **RULE.** Rule made returnable forthwith. Heard finally with the consent of the learned Counsel appearing for the parties.

3. It is the contention of the Petitioner that he is partially Blind i.e. of Low Vision, Certified for 40% Physically Challenged. He belongs to “Gond” Scheduled Tribe. The Petitioner also placed on record the Certificate issued by Medical Board for Handicapped, General Hospital, Wardha on 09.07.2002, which shows 40 % of disability.

4. In pursuance to advertisement dated 28.03.2007, the Petitioner applied for the post of “Shikshan Sevak” and he came to be appointed on 05.12.2007 in “C” Class out of reserved quota of “C” group Physically Challenged, Low Vision/Blind on the honorarium. The Petitioner underwent the various training programme. On 14.09.2015, the Respondent No.2 – Chief Executive Officer, Zilla Parishad, Wardha issued the order to the Petitioner as “Assistant Teacher” and his name also reflected in the Seniority list of Physically Challenged Assistant Teacher at Sr. No.67. Thereafter, in the year 2020, the name of Petitioner was also reflected at Sr. No.19 in the said list.

5. On 25.11.2025, the Respondent No.3 – Education Officer (Primary), Zilla Parishad, Wardha issued a show-cause notice to submit fresh Physically Challenged Certificate with UDID Card. The Petitioner submitted his explanation that he has 40% disability certificate issued on 09.07.2002 but the online certificate issued showing disability to 30%, because of reduction in disability. In spite of his explanation, a show cause notice dated 09.02.2026 came to be issued by Respondent No.2 – Chief Executive Officer, Zilla Parishad, Wardha. The Petitioner duly submitted his explanation vide a communication dated 16.02.2026, wherein he has made it clear that the disability at the time of appointment was 40%, which was duly certified by the Medical Board for Handicapped, General Hospital, Wardha. As the disability is improved, the online certificate dated 11.07.2017 shows that there is 30% disability. The Petitioner was also explained that he has applied for UDID Card, but it is yet to receive therefore, it cannot be submitted.

6. It is the contention of the Petitioner that during the pendency of this petition, subsequent event took place, by which, his services came to be terminated vide order dated 01.04.2026. By way of amendment, the Petitioner placed on record the

subsequent events and impugned order issued by the Chief Executive Officer, Zilla Parishad, Wardha. On perusal of the said order, we are of the considered opinion that the Petitioner was not granted any personal hearing nor his explanation to show cause is duly appreciated by the Chief Executive Officer, Zilla Parishad, Wardha. In view thereof, the impugned order dated 01.04.2026 is liable to be quashed and set aside. Accordingly, we proceed to pass the following order :

- (i) The writ petition is partly allowed.
- (ii) The impugned order dated 01.04.2026 is hereby quashed and set aside.
- (ii) The Respondent No.2 - Chief Executive Officer, Zilla Parishad, Wardha is hereby directed to hear the Petitioner and considered his explanation submitted to show cause notice and then take a decision within a period of two weeks from the receipt of order of this Court.
- (iii) If the decision is taken in either way, the same communicate to the Petitioner within a period of two weeks from the decision.
- (iv) The Petitioner is at liberty to challenge the same if it is adverse to his interest.

7. The writ petition stands disposed of in the above terms. No order as to costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)

Kirtak