



महाराष्ट्र शासन  
सामान्य प्रशासन विभाग,  
मंत्रालय विस्तार इमारत,

दूरध्वनी क्र -०२२.२२०२५३३३  
Email ID : tikaram.karpate@nic.in

हुतात्मा राजगुरु चौक, मादाम कामा मार्ग,  
मंत्रालय, मुंबई - ४०० ०३२.

क्रमांक : दिव्यांग २०१५/प्र.क्र.१७१/१६-अ

दिनांक : २३ जुलै २०२१

प्रति,  
सर्व अपर मुख्य सचिव/प्रधान सचिव/सचिव,  
मंत्रालयीन प्रशासकीय विभाग,  
मंत्रालय, मुंबई ४०००३२.

**विषय : दिव्यांग कर्मचाऱ्यांना गट अ व गट ब मधील पदांवर पदोन्नतीमधील आरक्षणाबाबत  
संदर्भ : १. शासन निर्णय समक्रमांक दि०५.०७.२०२१.  
२. शासन पत्र समक्रमांक दि.१४.०७.२०२१**

दिव्यांग व्यक्ती हक्क अधिनियम २०१६ ,अनुसार दिव्यांग कर्मचाऱ्यांना गट अ व गट ब मधील पदांवर पदोन्नतीमध्ये आरक्षण संदर्भ क्र.१ अन्वये लागू करण्यात आले आहे. उक्त अनुषंगाने मा.उच्च न्यायालय, मुंबई येथे दाखल रिट याचिका स्टॅप ६८१९/२०२१ व इतर याचिकांवर मा.उच्च न्यायालयाचे दि.२९.०६.२०२१ व दि.८.०७.२०२१ रोजीचे आदेशास अनुसरून संदर्भ क्र.२ अन्वये पदोन्नतीबाबतची कार्यपध्दती विशद करण्यात आली होती. प्रस्तुत न्यायालयीन प्रकरणी मा.उच्च न्यायालयात दि.२२.०७.२०२१ रोजी झालेल्या सुनावणी दरम्यान मा.उच्च न्यायालयाने दिलेले आदेश विचारात घेता आता असे नमूद करण्यात येते की, सर्व आस्थापनांनी गट अ व गट ब संदर्भातील पदोन्नतीबाबत मा.उच्च न्यायालय, मुंबई यांच्या दि.२२.०७.२०२१ रोजीच्या निर्णयानुसार दिव्यांग आरक्षणासह पदोन्नतीसाठीची सर्व रिक्त पदे (१०० %) भरण्याबाबत त्वरीत कार्यवाही करण्यात यावी. तसेच अशी कार्यवाही करताना मा.उच्च न्यायालयाच्या दि.२२.०७.२०२१ रोजीच्या आदेशाचा अवमान होणार नाही याचीही दक्षता घेण्यात यावी. सोबत मा.उच्च न्यायालयाच्या दि.२२.०७.२०२१ रोजीच्या आदेशाची प्रत जोडण्यात येत आहे.

सदर आदेश सर्व मंत्रालयीन विभाग व त्यांच्या अखत्यारीतील सर्व शासकीय/ निमशासकीय कार्यालय मंडळे, महामंडळे प्राधिकरणे, स्थानिक स्वराज्य संस्था, जिल्हा परिषद ,महानगरपालिका, नगरपालिका , शासन अनुदानित संस्था आणि ज्यांना आदेश देण्याचा अधिकार शासनास आहे अशा सर्व संस्था व सेवा यांना लागू असल्याने सदर आदेश आपल्या अधिपत्याखालील सर्व आस्थापनाच्या निदर्शनास आणून देण्यात यावेत.

सदर पत्र महाराष्ट्र शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) या संकेतस्थळावर उपलब्ध असून त्यांचा संगणक संकेतांक २०२१०७२३१६४६०२१००७ असा आहे. हे पत्र डिजीटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

आपला,

(टि. वा. करपते)

उप सचिव, महाराष्ट्र शासन

प्रति,

१. सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई.

२. सर्व विभागीय आयुक्त/सर्व जिल्हाधिकारी, महाराष्ट्र राज्य.
३. प्रधान सचिव, महाराष्ट्र विधानमंडळ सचिवालय, (विधान परिषद/विधानसभा) विधानभवन, मुंबई
४. सचिव, राज्य निवडणूक आयोग, मुंबई- ४०० ०३२.
५. सचिव, राज्य माहिती आयोग, मुंबई-४०० ०३२.
६. मा. प्रबंधक, उच्च न्यायालय, (मूळ शाखा/अपील शाखा), मुंबई, औरंगाबाद, नागपूर.
७. मा.प्रबंधक, महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई, औरंगाबाद, नागपूर.
८. मा. प्रबंधक, लोक आयुक्त व उप लोक आयुक्त, मुंबई.
९. सरकारी वकील, उच्च न्यायालय (मूळ शाखा/अपील शाखा), मुंबई, औरंगाबाद, नागपूर.
१०. सरकारी वकील, महाराष्ट्र प्रशासकीय न्यायाधिकरण, मुंबई, औरंगाबाद, नागपूर.
११. सर्व महानगरपालिकांचे आयुक्त, महाराष्ट्र राज्य.
१२. सर्व मुख्याधिकारी, नगरपरिषदा/नगरपालिका, महाराष्ट्र राज्य.
१३. सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी, महाराष्ट्र राज्य.
१४. महासंचालक, माहिती व जनसंपर्क संचालनालय, मंत्रालय, मुंबई
१५. सर्व महामंडळे, मंडळे आणि सार्वजनिक उपक्रम यांचे व्यवस्थापकीय संचालक, महाराष्ट्र राज्य.
१६. निवड नस्ती/कार्यासन १६-अ, सामान्य प्रशासन विभाग, मंत्रालय, मुंबई.

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

**WRIT PETITION (STAMP) NO. 6819 OF 2021**

Ajay Daulat Jadhav & Ors. ... Petitioners

Vs.

The State of Maharashtra through  
General Administration & Ors.

... Respondents

**ALONGWITH  
INTERIM APPLICATION NO. 1306 OF 2021  
IN  
WRIT PETITION (STAMP) NO. 6819 OF 2021**

Ajay Daulat Jadhav & Ors. ... Applicants

Vs.

The State of Maharashtra & Ors.

... Respondents

**ALONGWITH  
INTERIM APPLICATION (STAMP) NO. 12028 OF 2021  
IN  
WRIT PETITION (STAMP) NO. 6819 OF 2021**

The State of Maharashtra  
through its Principal Secretary

... Applicant

Vs.

Ajay Daulat Jadhav & Ors.

... Respondents

**ALONGWITH  
INTERIM APPLICATION (STAMP) NO. 11845 OF 2021  
IN  
WRIT PETITION (STAMP) NO. 6819 OF 2021**

The State of Maharashtra  
through its Principal Secretary

... Applicant

Vs.

Ajay Daulat Jadhav & Ors.

... Respondents

**WRIT PETITION (STAMP) NO. 58 OF 2021**

Shri Anandrao Narayan More

... Petitioner

Vs.

The State of Maharashtra through

*Sonali*



Its Chief Secretary & Ors. ... Respondents

**ALONGWITH  
WRIT PETITION (STAMP) NO. 2081 OF 2021**

Sachin Haridas Kapane ... Petitioner

Vs.

The State of Maharashtra through  
General Administration Department,  
Mantralaya & Ors.

... Respondents

**ALONGWITH  
WRIT PETITION (STAMP) NO. 2941 OF 2021**

Pranjal Pramod Patil & Ors. ... Petitioners

Vs.

The State of Maharashtra through  
General Administration Department,  
& Ors.

... Respondents

**ALONGWITH  
WRIT PETITION (STAMP) NO. 4228 OF 2021**

Gorakshnath Asaram Agale & Anr. ... Petitioners

Vs.

The State of Maharashtra through  
General Administration Department,  
& Ors.

... Respondents

**ALONGWITH  
WRIT PETITION (STAMP) NO. 6995 OF 2021**

Milind Ganpat Kadam & Ors. ... Petitioners

Vs.

State of Maharashtra & Ors.

... Respondents

**ALONGWITH  
WRIT PETITION (STAMP) NO. 10077 OF 2021**

Nandkumar Dashrath More & Ors. ... Petitioners

Vs.

State of Maharashtra & Ors.

... Respondents

**ALONGWITH  
WRIT PETITION NO. 2090 OF 2021**

Krishna Piraji Jagtap ... Petitioner

Vs.

*Sonali*

State of Maharashtra & Ors. ... Respondents

**ALONGWITH  
WRIT PETITION (STAMP) NO. 11573 OF 2021**

The Association of Sub Ordinate Service of  
Engineers & Ors. ... Petitioners

Vs.

State of Maharashtra & Ors. ... Respondents

**ALONGWITH  
CONTEMPT PETITION (STAMP) NO. 11751 OF 2021**

Pranjal Pramod Patil & Ors. ... Petitioners

Vs.

The State of Maharashtra  
Through General Administration Department & Ors. ... Respondents

**ALONGWITH  
WRIT PETITION NO. 2091 OF 2021**

Vivek Vishwanath Patil ... Petitioner

Vs.

State of Maharashtra & Ors. ... Respondents

**ALONGWITH  
WRIT PETITION NO. 2092 OF 2021**

Ashwini A. Ghodake & Ors. ... Petitioners

Vs.

State of Maharashtra & Ors. ... Respondents

**ALONGWITH  
CONTEMPT PETITION (STAMP) NO. 12001 OF 2021**

Sanjaykumar Shashikant Kokane ... Petitioner

Vs.

Sitaram Kunte, Chief Secretary of  
State of Maharashtra ... Respondent

**ALONGWITH  
INTERIM APPLICATION NO. 3798 OF 2020  
IN  
WRIT PETITION (STAMP) NO. 97023 OF 2020**

The Principal Secretary, Water Resources  
Department, Mantralaya ... Applicant

*Sonali*



Vs.  
Bholaso S/o. Vitthal Alias Vitthu Chaugule ... Respondent

**ALONGWITH**  
**INTERIM APPLICATION NO. 1307 OF 2021**  
**IN**  
**WRIT PETITION (STAMP) NO. 97023 OF 2020**

Ankush Ashokrao Palve & Anr. ... Applicants

Vs.  
Sanjaykumar Shashikant Kokane & Ors. ... Respondents

**ALONGWITH**  
**INTERIM APPLICATION NO. 1305 OF 2021**  
**IN**  
**WRIT PETITION (STAMP) NO. 97023 OF 2020**

Sunil Mahadevrao Thakre ... Applicant

Vs.  
Sanjaykumar Shashikant Kokane & Ors. ... Respondents

**ALONGWITH**  
**WRIT PETITION (STAMP) NO. 97023 OF 2020**

Bhimashankar Mallinath Mitkare & Ors. ... Petitioners

Vs.  
The State of Maharashtra through  
General Administration Department, & Ors. ... Respondents

**ALONGWITH**  
**INTERIM APPLICATION (STAMP) NO. 4375 OF 2021**  
**IN**  
**WRIT PETITION (STAMP) NO. 97030 OF 2020**

Milind Ganpat Kadam & Ors. ... Applicants

Vs.  
Bhimashankar Mallinath Mitkare ... Respondent

**ALONGWITH**  
**INTERIM APPLICATION NO. 3799 OF 2020**

**ALONGWITH**  
**INTERIM APPLICATION NO. 3800 OF 2020**

Bhagwan Rajabhau Khedkar & Ors. ... Applicants

*Sonali*

Vs.  
Bholaso S/o. Vitthal @ Vitthu Chaugule ... Respondent

**ALONGWITH  
WRIT PETITION (STAMP) NO. 98060 OF 2020**

Chintaman Gulabrao Vanjari ... Petitioner  
Vs.  
The State of Maharashtra through  
General Administration Department,  
& Ors. ... Respondents

**ALONGWITH  
WRIT PETITION (STAMP) NO. 98876 OF 2020**

Dhananjay Ambadas Patil ... Petitioner  
Vs.  
The State of Maharashtra through  
General Administration Department,  
& Ors. ... Respondents

**ALONGWITH  
INTERIM APPLICATION (STAMP) NO. 11842 OF 2021  
IN  
WRIT PETITION (STAMP) NO. 98876 OF 2020**

State of Maharashtra through  
its Principal Secretary, General  
Administration Department & Ors. ... Petitioners  
Vs.  
Dhananjay Ambadas Patil ... Respondent

**ALONGWITH  
INTERIM APPLICATION (STAMP) NO. 99729 OF 2020  
IN  
WRIT PETITION (STAMP) NO. 10955 OF 2016**

Bholaso S/o. Vitthal Alias Vitthu Chaugule & Ors. ... Petitioners  
Vs.  
Shri Dinkarrao Sheshrao Shinde ... Respondent

**ALONGWITH  
WRIT PETITION NO. 10955 OF 2016**

Shri Rajendra Bhanudas Andhale ... Petitioner  
Vs.

*Sonali*



The State of Maharashtra through  
the Under Secretary Rural Development and  
Irrigation Department & Ors. ... Respondents

**ALONGWITH**  
**WRIT PETITION (STAMP) NO. 13058 OF 2018**

Bholaso s/o. Vitthal @ Vithu Chaugule ... Petitioner  
Vs.  
The State of Maharashtra through  
Principal Secretary & Ors. ... Respondents

**ALONGWITH**  
**INTERIM APPLICATION NO. 770 OF 2021**  
**IN**  
**WRIT PETITION NO. 13058 OF 2018**

Shri Bhalaso s/o. Vitthal @ Vithu Chaugule ... Applicant  
Vs.  
The State of Maharashtra ... Respondent

**ALONGWITH**  
**INTERIM APPLICATION (STAMP) NO. 12027 OF 2021**  
**IN**  
**WRIT PETITION NO. 13058 OF 2018**

The State of Maharashtra through  
Principal Secretary & Ors. ... Applicants  
Vs.  
Bholaso S/o. Vitthal Alias Vithu Chaugule & Ors. ... Respondents

**ALONGWITH**  
**INTERIM APPLICATION NO. 394 OF 2021**  
**IN**  
**WRIT PETITION NO. 13058 OF 2018**

Pranjal Pramod Patil ... Applicant  
Vs.  
Bholaso S/o. Vitthal Alias Vithu Chaugule ... Respondent

**ALONGWITH**  
**CONTEMPT PETITION (STAMP) NO. 11751 OF 2021**

*Sonali*



Pranjal Pramod Patil & Ors. ... Petitioners  
Vs.  
The State of Maharashtra through  
General Administration & Ors. ... Respondents

**ALONGWITH  
CONTEMPT PETITION (STAMP) NO. 92 OF 2021**

Chintaman Gulabrao Vanjari ... Petitioner  
Vs.  
Sanjay Kumar, Chief Secretary ... Respondent

**ALONGWITH  
CONTEMPT PETITION (STAMP) NO. 12001 OF 2021**

Sanjaykumar Shashikant Kokane ... Petitioner  
Vs.  
Sitaram Kunte, Chief Secretary of  
State of Maharashtra ... Respondent

.....

Mr. Shreehari Aney, Senior Counsel a/w. Mr. Abhijeet Desai a/w. Mr. Amol Jagtap for the Petitioner in Writ Petition (Stamp) No. 6995 of 2021.

Mr. Ajay Deshpande a/w. Mr. Anoop U. Patil for the Applicant in IA No. 1305 of 2021.

Mr. Yashodeep Deshmukh a/w. Ms. Vaidehi Deshmukh, Ms. Sonali Pawar and Ms. Kinjal Kanani i/b. Mr. Akshay R. Kapadia for the Petitioners in Writ Petition (Stamp) No. 11573 of 2021 and Writ Petition No. 2092 of 2021.

Mr. P. S. Jaitely, Senior Advocate a/w. Mr. Sham Walve, Mr. Nikhil Waje, Mr. Vishesh Srivastav, Mr. Prem Gada for the Applicant/Petitioner in I.A. No. 1306 of 2021 in Writ Petition (Stamp) No. 6819 of 2021.

Mr. Balasaheb Deshmukh for the Intervenors in I.A. Nos. 3799/2020 and 3800/2020.

Dr. Uday Warunjikar a/w. Mr. Vinod Sangvikar, Mrs. Shakuntala  
*Sonali*

Sangvikar, Mr. Yogesh Morbale and Ms. Vaishnavi Gholave for the Petitioner and Applicant in Writ Petition No. 13058/2018 with I.A.770/2021.

Mr. Vinod Sangvikar a/w. Shakuntala Sangvikar, Vaishnavi Gholave for the Petitioner Writ Petition No. 58/2021.

Mr. Tejesh Dande a/w. Mr. Bharat Gadhavi i/b. Tejesh Dande & Associates for the Petitioners in Writ Petition (Stamp) No. 2941 of 2021 and Contempt Petition (Stamp) No. 11751 of 2021.

Mr. Sugandh B. Deshmukh for the Petitioner in Contempt Petition (Stamp) Nos. 92/2021,12001/2021 and Writ Petition (Stamp) Nos.4228/2021, 10077/2021 and Writ Petition Nos. 2090/2021, 2091/2021, Writ Petition Stamp No. 97023/2020 with IA 1307/2021, Writ Petition Stamp Nos. 98060/2020 and Writ Petition No. 10955/2016.

Mr. A. I. Patel, Addl. GP For the State in IAST/12077/2021.

Mr. Ravindra Keshavrao Adsure, Mr. Sidheshar Namdev Biradar, Mr. Yash Prashant Sonavane and Mr. Yogesh Ramesh Joshi for the Applicants.

Mr. A. A. Kumbhakoni, A.G. a/w. Mr. P. P. Kakade, GP, Mr. A. M. Kulkarni, A Panel Counsel with Smt. A. A. Purav, AGP for the Respondent-State.

.....  
**CORAM: UJJAL BHUYAN AND  
MADHAV J. JAMDAR, JJ.**

**DATE : 22<sup>nd</sup> JULY, 2021.  
(THROUGH VIDEO CONFERENCE)**

**P. C:-**

Heard learned counsel for the parties.

2. We have perused our order dated 8<sup>th</sup> July, 2021.

*Sonali*

3. Referring to paragraph 4 of the said order, Mr. Kumbhakoni, learned Advocate General submits that Chief Secretary of the State of Maharashtra had issued instructions on 14<sup>th</sup> July, 2021 to all Heads of Department for constituting Departmental Promotional Committee to carry out promotional exercise in terms of the first proviso to section 34 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as "the 2016 Act"). According to him, within a period of six weeks from today the promotional exercise should be completed. Explaining further he submits that upon further scrutiny the number of cadres to which such promotions can be made has increased from 5452 to 5593 and the posts identified in the cadres have accordingly increased from 4732 to 4917. As per order dated 8<sup>th</sup> July, 2021, 729 cadres were left for identification of posts but now the cadres remaining for identification of posts have come down to 676.

4. In so far paragraph 4.1 of the order dated 8<sup>th</sup> July, 2021 is concerned, learned Advocate General submits that identification of posts has also been completed in the Forest Department because of which the number of cadres has accordingly increased. In this regard, Forest Department has issued Government Resolution dated 19<sup>th</sup> July, 2021.

*Sonali*



5. On a query by the Court as to the grievance of those petitioners who are persons without disability, he submits that their promotion orders/posting orders can be simultaneously issued alongwith promotional orders of petitioners who are persons with disabilities.

6. We accordingly direct that both the exercises be simultaneously carried out within six weeks from today.

7. Regarding the petitioner in Writ Petition No. 13058 of 2018 referred to in paragraphs 7 and 8 of our order dated 8<sup>th</sup> July, 2021, Mr. Kumbhakoni submits that grievance of the petitioner in the said case was considered by the Irrigation Department of Government of Maharashtra whereafter order dated 19<sup>th</sup> July, 2021 has been passed declining the prayer of the petitioner in as much as petitioner was not found eligible for promotion.

8. In view of the order dated 19<sup>th</sup> July, 2021 in respect of which we express no opinion, we grant liberty to Dr. Warunjikar, learned counsel for the petitioner to take requisite steps either to file fresh petition or to amend the existing petition. We also request learned Advocate General to furnish copy of the order dated 19<sup>th</sup> July, 2021

*Sonali*



to Dr. Warunjikar so that consequential steps may be taken.

9. In view of above, we hope and trust that grievance of both sets of petitioners will be redressed by the next date. We make it clear that the interim order passed by this Court earlier as modified by order dated 29<sup>th</sup> June, 2021 would not come in the way of carrying out this exercise.

10. Stand over to 7<sup>th</sup> September, 2021.

(MADHAV J. JAMDAR, J.)

(UJJAL BHUYAN, J.)

*Sonali*