



महाराष्ट्र शासन सामाजिक न्याय व विशेष सहाय्य विभाग मंत्रालय (विस्तार इमारत), १ ला मजला, मादाम कामा मार्ग, हुतात्मा राजगुरु चौक, मुंबई-४०० ०३२

क्रमांक-सफाई २०१८/प्र.क्र.४६/सआक प्रति. दिनांक : २८ जानेवारी, २०२५

- १. अ.मु.स./प्रधान सचिव/सचिव, सर्व मंत्रालयीन विभाग,
- २. सर्व आयुक्त, महानगरपालिका,
- ३. आयुक्त तथा संचालक, नगरपरिषद संचालनालय, बेलापूर, नवी मुंबई,
- ४. आयुक्त, समाजकल्याण, पुणे.
 - विषय लाड सिमतीच्या शिफारशींच्या अनुषंगाने सफाई कामगारांच्या वारसा हक्कांच्या अंमलबजावणीबाबत दि.२४.०२.२०२३ च्या शासन निर्णयान्वये विहीत केलेल्या तरतुदीबाबत मा. उच्च न्यायालयाने दिलेल्या आदेशाच्या अनुषंगाने करावयाची कार्यवाही.
 - संदर्भ- १) सामाजिक न्याय व विशेष सहाय्य विभाग, शासन निर्णय क्रमांक-सफाई २०१८/प्र.क्र.४६/सआक, दिनांक २४/०२/२०२३,
 - २) मा.उच्च न्यायालय, खंडपीठ औरंगाबाद, येथे दाखल रिट याचिका क्र.३९५०/२०२३ (श्री.कैलाश मारोती राजकौर व इतर विरुध्द महाराष्ट्र शासन) प्रकरणी आदेश दिनांक १०/४/२०२३,
 - ३) या विभागाचे पत्र क्र.सफाई २०२३/प्र.क्र.४७/सआक, दिनांक ७/८/२०२३,
 - ४) सामाजिक न्याय व विशेष सहाय्य विभाग, शासन निर्णय क्रमांक-सफाई २०२४/प्र.क्र.१६/सआक, दिनांक ११/३/२०२४,
 - ५) सामाजिक न्याय व विशेष सहाय्य विभाग, सुधारणा/शुध्दीपत्रक क्रमांक-सफाई २०२४/प्र.क्र.१६/सआक, दिनांक ११/३/२०२४,
 - ६) मा.उच्च न्यायालय, खंडपीठ औरंगाबाद यांचे रिट याचिका क्र.३९५०/२०२३ मधील सिव्हिल ॲप्लीकेशन क्र.१५४३४/२०२३ व इतर न्यायालयीन प्रकरणी आदेश दिनांक २४/६/२०२४,
 - ७) या विभागाचे पत्र क्र.न्यायाप्र २०२३/प्र.क्र.४८/सआक, दिनांक १२/७/२०२४.
 - ८) सामाजिक न्याय व विशेष सहाय्य विभाग, शासन निर्णय क्रमांक-सफाई २०२४/प्र.क्र.७०/सआक, दिनांक १३/१०/२०२४,
 - ९) मा.उच्च न्यायालय, खंडपीठ औरंगाबाद, यांचे रिट याचिका क्र.३२०४/२०२३ (श्री.गोरोबा राम आरदवाड व इतर विरुध्द महाराष्ट्र शासन) तसेच इतर संबंधित न्यायालयीन प्रकरणी आदेश दिनांक ०८/०१/२०२५.

महोदय,

उपरोक्त विषयांकित प्रकरणी मा.उच्च न्यायालय, औरंगाबाद खंडपीठ यांच्या संदर्भ क्र.९ येथील दिनांक ०८/०१/२०२५ च्या आदेशांचे कृपया अवलोकन व्हावे. (प्रत संलग्न) २. या विभागाच्या संदर्भ क्र.१ येथील दिनांक दि.२४.२.२०२३ च्या शासन निर्णयान्वये सफाई कामगारांच्या वारसा हक्क प्रकरणात नियुक्ती देताना विविध प्रशासकीय विभाग / आस्थापनांना येणान्या अडचणी आणि सफाई कामगारांच्या समस्यांबाबत विविध संघटनांच्या मागण्या विचारात घेवून, लाड सिमतीच्या शिफारशींच्या अनुषंगाने सफाई कामगारांच्या वारसा हक्काबाबत यापूर्वी निर्गमित करण्यात आलेले सर्व शासन निर्णय/परिपत्रके अधिक्रमित करण्यात येऊन एकत्रित सुधारीत तरतुदी निर्गमित करण्यात आलेल्या आहेत. परंतु सदर शासन निर्णयाच्या अंमलबजावणीबाबत मा. उच्च न्यायालय, खंडपीठ औरंगाबाद येथे रिट याचिका क्र. ३२०४/२०२३ (श्री. गोरोबा आरदवाड विरूद्ध महाराष्ट्र शासन) व रिट याचिका क्र. ३९५०/२०२३ (श्री. कैलाश राजकौर व इतर विरूध्द महाराष्ट्र शासन) दाखल करण्यात आल्या होत्या. त्यानुषंगाने मा. उच्च न्यायालय, औरंगाबाद खंडपीठ, औरंगाबाद यांनी न्यायालयीन रिट याचिका क्र. ३९५०/२०२३ श्री. कैलाश राजकौर व इतर विरूध्द महाराष्ट्र शासन प्रकरणी दि.१०/०४/२०२३ रोजी खालीलप्रमाणे आदेश दिलेले होते.

In view of the above and considering the law laid down by the Hon'ble Supreme Court in Ahmednagar Mahanagar Palika V Ahmednagar Palika Kamgar Union(2022) 10 SSC 172, we direct that the State Government would refrain from extending the benefits of the Government Resolution dated 24th February, 2023 until further orders, save and except to the legal heirs of the those employees, who belong to Walmiki, Mehtar and Bhangi communities.

मा.उच्च न्यायालयाच्या उपरोक्त आदेशान्वये वाल्मिकी, मेहतर व भंगी या जाती प्रवर्गातील सफाई कामगारांच्या पात्र वारसांना वारसा हक्काने नियुक्ती देण्यापासून सूट देण्यात आली असून या प्रवर्गाव्यतिरिक्त इतर जाती प्रवर्गातील सफाई कामगारांच्या वारसांना वारसा हक्काने नियुक्ती देण्यास तात्पुरती स्थिगिती दिलेली होती. सदर आदेश राज्यातील सर्व आयुक्त, महापालिका तसेच आयुक्त तथा संचालक महानगरपालिका प्रशासन यांना या विभागाच्या संदर्भ क्र.३ येथील दिनांक ०७/०८/२०२३ च्या पत्रान्वये उपलब्ध करुन देण्यात आलेले असून, त्यानुषंगाने कार्यवाही करण्याचे निर्देश देण्यात आलेले आहेत.

- ३. त्याचबरोबर शासन पत्र दिनांक २६.९.२००८ व दिनांक १५.४.२०१० अन्वये महाराष्ट्र राज्याची अनुसूचित जाती, विमुक्त जाती, भटक्या जमाती, इतर मागासवर्ग व विशेष मागासवर्ग यांची यादी प्रसिध्द करण्यात आलेली आहे. सदर यादीतील अनुसूचित जातीतील अनु.क्र.१२ मध्ये भंगी, मेहतर, वाल्मीकी यांच्या सोबत ओलगाना, रुखी, मलकाना, हलालखोर, लालबेगी, कोरार, झाडमल्ली व हेला या जाती/ उपजातींचा समावेश करण्यात आल्याच्या पार्श्वभूमीवर मा. उच्च न्यायालयाचे उपरोक्त आदेश व सदर जाती / उपजातीं या वाल्मीकी, मेहतर व भंगी समुदायातील असल्याने व अनु.क्र.१९ वरील डोम,डुमार या जातीमधील उमेदवारांना दिनांक २४ फेब्रुवारी, २०२३ च्या शासन निर्णयातील अटी व शर्तींचे आणि मा. उच्च न्यायालयाच्या आदेशाचे संबंधित नियुक्ती प्राधिकारी यांचेकडून काटेकोरपणे पालन करण्यात येईल या अटीच्या अधीन वारसा हक्काने नियुक्ती देण्यास संदर्भ क्र.४ येथील दिनांक ११/०३/२०२४ च्या शासन निर्णयान्वये मान्यता देण्यात आलेली आहे. तसेच संदर्भ क्र.५ येथील सुधारणा/शुध्दीपत्रक दिनांक ११/०३/२०२४ अन्वये पात्र वारसदारांच्या यादीमध्ये सफाई कर्मचा-यांच्या विवाहीत मुलीचा समावेश करण्यात आलेला असून नियुक्ती देण्यापूर्वी जात वैधता प्रमाणपत्र प्राप्त करून घेण्याची अट वगळण्यात आलेली आहे.
- ४. त्याचप्रमाणे प्रस्तुत प्रकरणी दिनांक २४ जून, २०२४ च्या आदेशान्वये मा. उच्च न्यायालयाने विविध निरिक्षणे नोंदवली आहेत, त्याचा थोडक्यात तपशील पुढीलप्रमाणे आहे —

We have noticed from the report of 1974 that the Scheduled Castes were also included for the benefit of the Laud Committee recommendations. The Page Committee recommendations, in addition, suggested that the persons belonging to such categories should be given some security of employment even for their future generations. It is in the light of the said 1974 report that we are permitting the Government to include the category of Scheduled Caste, including 'Navbaudhha', along with the Walmiki, Mehtar and Bhangi communities, in our directions issued in paragraph No.4 of our order dated 10.04.2023. The Scheduled Caste category has also been included by the State in it's Government Resolution dated 24.02.2023. In the event any such 'Varas hakka' holder falling in the category of Scheduled Caste has become age barred in view of our order dated 10.04.2023, there shall be

relaxation in such cases since our order should not result into taking away rights of a person, who has a claim in view of the Laud-Page Committee recommendations.

मा.उच्च न्यायालयाच्या उपरोक्त आदेशान्वये वाल्मिकी, मेहतर व भंगी या जाती प्रवर्गातील कर्मचा-यासोबत अनुसूचीत जाती व नवबौध्द प्रवर्गातील सफाई कर्मचा-यांचा समावेश केलेला आहे. त्या अनुपंगाने या विभागाच्या संदर्भ क्र.७ येथील दिनांक १२/७/२०२४ च्या पत्रान्वये सर्व संबंधितांना कार्यवाही करण्याचे कळविले आहे.

- लाड समितीच्या शिफारशींच्या अनुषंगाने सफाई कामगारांच्या वारसा हक्काच्या अंमलबजावणीबाबत संदर्भ क्र.१ येथील दिनांक २४/०२/२०२३ च्या शासन निर्णयान्वये विहीत सुधारीत तरतुदी दिनांक १२/८/१९७५ ते दिनांक २३/२/२०२३ या कालावधीतील सर्व प्रलंबित प्रकरणांना संदर्भ क्र.८ येथील दिनांक १३/१०/२०२४ च्या शासन निर्णयान्वये लागू करण्यास मान्यता देण्यात आली आहे.
- प्रस्तुत प्रकरणी मा.उच्च न्यायालयाने संदर्भ क्र.९ अन्वये दिनांक ०८/०१/२०२५ रोजी आदेश पारीत केलेले असून सदर आदेशाचा थोडक्यात तपशील खालीलप्रमाणे आहे -

We expect the appointing authorities of the establishments should follow Government Resolution dated 24/02/2023. The individual claims should be considered objectively. We are therefore passing following directions in all petitions:-

(i) The appointments and claims to the post of Safai Kamgar shall be regulated by Government Resolution dated 24.02.2023 which shall be implemented by the Employers, Appointing Authorities or the Competent Authorities of the Establishments.

(ii) The Appointing Authorities, Employers, or the Competent Authorities of the Establishments shall conduct objective scrutiny of individual claims of the Petitioners expeditiously in accordance with the Government Resolution dated 24.02.2023.

(iii) The Petitioners or the Intervenors shall be at liberty to submit their applications before the Appointing Authorities, Employers or the Competent Authorities of the Establishments, if not submitted earlier.

(iv) The Appointing Authorities, Employers, or the Competent Authorities of the Establishments shall conduct objective scrutiny of the claims and extend the opportunity to submit relevant documents to the Claimants and decide the individual claims within period of six weeks from the date of receipt of the applications.

(v) In case of rejection of the claims, it shall be open to resort to the remedy as

permissible in law.

सबब, उपरोक्त वस्तुस्थिती विचारात घेता, प्रस्तुत प्रकरणी मा.उच्च न्यायालयाचे संदर्भ क्र.९ येथील दिनांक ०८/०१/२०२५ चे आदेश विचारात घेऊन तसेच संदर्भ क्र.१ येथील दिनांक २४/०२/२०२३ च्या शासन निर्णयान्वये तसेच त्यानुषंगाने वेळोवेळी विहीत केलेल्या संदर्भाधीन शासन निर्णयांस व सुधारणा/ शुध्दीपत्रकातील तरतुदींस अनुसरुन तात्काळ कार्यवाही करण्यात यावी.

उप सचिव, महाराष्ट्र शासन



IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT AURANGABAD

WRIT PETITION NO. 3204 OF 2023
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHER
VERSUS
GOROBA S/O RAM AARADWAD AND OTHERS

Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel a/w Shri A.S. Shinde Addl. G.P. for the petitioners/ State.

Shri Baliram B. Shinde, Advocate for respondent Nos.1 and 2.

Shri A. S. Shelke, Advocate for the respondent/ intervenor.

WITH

CIVIL APPLICATION NO. 13121 OF 2024 IN WP/3204/2023

YASH SUSHILKUMAR GAIKWAD VERSUS

STATE OF MAHARASHTRA THROUGH SECRETARY MINISTRY OF SOCIAL JUSTICE AND SPECIAL ASSISTANCE DEPARTMENT

Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel a/w A.S. Shinde Addl. G.P. for the respondents / State.

Shri B.B. Shinde, Advocate for the original respondent Nos.1 and 2 in WP.

Shri A.S. Shelke, Advocate for the respondent/ intervenor.

With

CIVIL APPLICATION NO.13331 OF 2024
IN WP/3204/2023
PANDURANG VHANMANE
VERSUS
STATE OF MAHARASHTRA

Shri. Baliram B. Shinde, Advocate for applicant Shri. V.D. Sapkal, Sr. Advocate appointed as special counsel a/w Shri. A.S. Shinde Addl. G.P. for Respondent/State Shri A.S. Shelke, Advocate for intervenor.

WITH

WRIT PETITION NO. 2054 OF 2022
SUNIL NIVRATTI WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 2042 OF 2022
SACHIN RAMESH SONWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 13039 OF 2023
SANDEEP POPATRAO PACHUNDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
ADDITIONAL CHIEF SECRETARY AND OTHERS

WITH
CIVIL APPLICATION NO. 13074 OF 2024
IN WP/2042/2022
SACHIN RAMESH SONWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
CIVIL APPLICATION NO. 13073 OF 2024
IN WP/2054/2022
SUNIL NIVRATTI WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
CIVIL APPLICATION NO. 13075 OF 2024
IN WP/13039/2023
SANDEEP POPATRAO PACHUNDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
ADDITIONAL CHIEF SECRETARY AND OTHERS
WITH
CIVIL APPLICATION NO.173 OF 2025

IN WP/14205/2023

GOPAL SARPATE VERSUS STATE OF MAHARASHTRA

Shri Salgare Vitthal G., Advocate for the petitioners/ applicants. Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel a/w Shri A.S. Shinde Addl. G.P. for the respondents / State.

Shri Tele Dattatraya V., Advocate for respondent No.2.

Shri. Sanket A. Jadhav Advocate h/f Ms.Dube (Bajpai) Anjali, Advocate for respondent Nos.3 and 4.

WITH

WRIT PETITION NO. 5365 OF 2023
SUSHILA EKNATH KASAB AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS

Shri Mahajan Sandeep Y., Advocate for the Petitioners.
Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel a/w Shri A.S.Shinde Addl. G.P. for the respondents / State.

WITH

CIVIL APPLICATION NO.69 OF 2025 IN WP/5365/2023 SUSHILA KASAB AND ANOTHER VERSUS THE STATE OF MAHARASHTRA

Shri. S.Y. Mahajan, Advocate for applicant
Shri. V.D. Sapakal Sr. Advocate appointed as special counsel a/w
Shri. A.S. Shinde Addl. G.P. for Respondent/State
Shri. D.V. Tele, Advocate for Repondent No.3

WITH

WRIT PETITION NO. 3950 OF 2023 KAILASH MAROTI RAJKAUR AND OTHERS VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS
Shri Kurundkar Sunil V., Advocate for the Petitioners.
Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel

a/w Shri A.S. Shinde, Addl. G.P. for the respondents / State. Shri Revan P. Bhumkar, Advocate for respondent No.6.

WITH

WRIT PETITION NO. 4363 OF 2023 THE STATE OF MAHARASHTRA VERSUS

GAUTAM ASHOK JADHAV

Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel a/w Shri A.S. Shinde, Addl. G.P for the petitioner / State.
Shri Harish S. Bali, Advocate for the sole Respondent.

WITH

WRIT PETITION NO. 14205 OF 2023
GOPAL KISHANRAO SARTAPE
VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS ADDITIONAL CHIEF SECRETARY AND OTHERS

Shri Salgare Vitthal G., Advocate for the Petitioner.

Shri V.D. Sapkal, Senior Advocate, appointed as Special Counsel a/w Shri A.S. Shinde, Addl. G.P for the respondents / State.

Shri D.V. Tele, Advocate for Respondent No.2.

Shri R.K. Ingole, Advocate for Respondent Nos.3 and 4.

WITH

WRIT PETITION NO.10322 OF 2023
SUNIL CHITTE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

WITH

WRIT PETITION NO. 10323 OF 2023 SUNIL NALAWAD AND ANOTHER VERSUS

THE STATE OF MAHARASHTRA

Shri. A.R. Borulkar, Advocate for petitioner in both wirt petition

Shri. V.D. Sapkal, Sr. Advocate appointed as special counsel a/w

Shri. A.S. Shinde Addl. G.P. for Respondent/State

CORAM : S.G. MEHARE AND

SHAILESH P. BRAHME, JJ...

DATE: 08 JANUARY 2025

PER COURT:

Heard the litigating sides.

- 2. These petitions pertain to the appointments to the post of Sweepers (Safai Kamgars) following the recommendations of Lad Page Committee and various Government Resolutions.
- **3.** Writ Petition No.3204/2023 is emanating from the judgment and order passed by Maharashtra Administrative Tribunal, directing that the Respondent No.1 therein, should be given appointment on a compassionate ground. In Writ Petition No.3950/2023, the directions are solicited for implementation of Government Resolution dated 24.02.2023 which is the latest policy operating in the field. In remaining petitions, directions are solicited against the Respondents for appointing the Petitioners on the posts of Safai Kamgars with different establishments.
- 4. Learned Counsel Mr. Sunil Kurundkar appearing for the Petitioner, the learned Senior Counsel Mr. V.D. Sapkal appearing as a Special Counsel in Writ Petition No.3204/2023 and other Counsels are unanimous that Government Resolution dated 24.02.2023 is the latest policy governing the field. All aspects are covered by the policy including definition of 'Safai Kamgar', eligibility for the appointment, modality to be followed while making appointment etc. There is no dispute that the policy has

to be implemented. Government Resolution dated 24.02.2023 has not been challenged in any of these petitions. It has been clarified in the Resolution itself that earlier resolution and circulars have been superseded and a consolidated scheme has been laid down. In view of this position, the ends of the justice would be met by directing the litigating sides to implement the latest policy.

- 5. The State of Government has come out with comprehensive policy Government Resolution dated 24.02.2023. The controversy regarding the definition of Safai Kamgar or the eligibility for the appointment by way of nomination have been set at rest. The decision of the Supreme Court in the matter of Ahmednagar Mahanagar Palika Vs. Ahmednagar Mahanagar Palika Kamgar Union (2022) 10 SSC 172, would not be an impediment in implementing Government Resolution dated 24.02.2023. The facts before the Honourable Supreme Court in that matter are different.
- 6. We expect the appointing authorities of the establishments should follow Government Resolution dated 24.02.2023. The individual claims should be considered objectively. We are therefore passing following directions in all petitions:
- (i) The appointments and claims to the post of Safai Kamgar shall be regulated by Government Resolution dated 24.02.2023 which shall be implemented by the Employers, Appointing Authorities or the Competent Authorities of the Establishments.

- (ii) The Appointing Authorities, Employers, or the Competent Authorities of the Establishments shall conduct objective scrutiny of individual claims of the Petitioners expeditiously in accordance with the Government Resolution dated 24.02.2023.
- (iii) The Petitioners or the Intervenors shall be at liberty to submit their applications before the Appointing Authorities, Employers or the Competent Authorities of the Establishments, if not submitted earlier.
- (iv) The Appointing Authorities, Employers, or the Competent Authorities of the Establishments shall conduct objective scrutiny of the claims and extend the opportunity to submit relevant documents to the Claimants and decide the individual claims within period of six weeks from the date of receipt of the applications.
- (v) In case of rejection of the claims, it shall be open to resort to the remedy as permissible in law.
- 7. All Writ Petitions and Applications filed therein, are disposed of in above terms.

[SHAILESH P. BRAHME] JUDGE [S.G. MEHARE]

najeeb..