

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

Writ Petition No.1570 of 2023

Shramik Janata Sangh
through its General
Secretary and others.

... Petitioners.

V/s.

State of Maharashtra and Others

... Respondents.

With

Writ Petition No.1388 of 2024

With

Interim Application (I) No. 25573 of 2024

With

Interim Application No.2426 of 2021

In

Writ Petition No.1388 of 2024

(O.O.C.J.)

Ms. Gayatri Singh, Senior Advocate a/w. Ms. Deepali Kasul for the
Petitioners in WP No.1570/23.

Mr. Ram Apte, Senior Advocate a/w. Mr. Ameya A. Pitale for
Respondent No.2 – TMC.

Ms. Gauri Velankar i/b. Mr. Sarang S. Aradhya for Respondent No.5
– KDMC.

Mr. P.P. Kakade, Government Pleader alongwith Ms. R.A. Salunkhe,
AGP for Respondent Nos.1,3 and 4.

None for the Petitioners in WP No.1388/24.

Sushanta Sahu i/b. Mr. S.P. Nalawade for the Applicant in I.A.
No.2426/2021.

Smt. P.H. Kantharia, Government Pleader in WP No.1388/2024.

**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 19 August 2024.

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P.C. :

The reply affidavit is filed on behalf of the State Government in Writ Petition No.1570/2023 by Mr. Pravin Puri, the Commissioner Social Welfare, Pune, the Nodal Officer appointed by the State in respect of issue of manual scavengers. The affidavit places on record certain communications and certificates submitted by the Collectors in 36 districts of State of Maharashtra. The Commissionerate of Social Welfare on 2 August 2023 has written to the Deputy Secretary of Social Justice Empowerment, Government of India that all districts in the State of Maharashtra have been freed from manual scavenging and certificates have been obtained from Collectors of 36 districts in Maharashtra. These certificates are placed on record.

2. The Commissioner-Mr. Pravin Puri has made a specific statement in the affidavit as regards the certificates stating that all 36 districts in Maharashtra have been declared free of manual scavenging. If this position is correct then there would not be any instances of manual scavenging from August 2023 onwards as per the certificates submitted to the Government of India.

3. The learned Senior Advocate for the Petitioners states that the statement is incorrect from the data placed on record by the State itself, as well as there are series of instances after these certificates are so submitted reporting deaths of manual scavengers. A note is also

tendered. If the stand of the State Government is that all districts in the State are free of manual scavenging then further enquiry in this petition would be different. If the issue still persists, the enquiry will have to be taken further including the action plan which is not placed on record as yet.

4. Therefore, before proceeding further it would be necessary to confirm whether the stand of the State Government taken in the affidavit based on the certificates that all districts have been freed of manual scavenging and it does not exist in the State of Maharashtra any more, is still being asserted.

5. The learned Government Pleader seeks time to take instructions. Stand over to **20 August 2024**.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)