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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6246 OF 2026

Madhukar Lotan Bhamare

...Petitioner

Versus

T.K.E.S. India Pvt. Ltd. Through
Its Managing Director

...Respondents

Ms. Sarah (through V.C.) a/w. Mr. Abhilash Kurey, for the Petitioner.

Mr. P.P.Kakade Addl.G.P. a/w. Shri. A.K.Naik, AGP for Respondent-State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 13 JULY 2026

P.C.

1. This petition under Article 226 of the Constitution of India has been filed
praying for the following substantive reliefs: -

"A. Issue a writ of mandamus directing Respondent No. 1 to reinstate the Petitioner in service and provide reasonable accommodation, including suitable duties consistent with his medical condition, in accordance with the Rights of Persons with Disabilities Act, 2016;

B. Direct Respondent No. 1 to restore and continue payment of the Petitioner's monthly salary and all consequential service benefits with effect from October 2021;

C. Direct Respondent No. 1 to forthwith formulate, notify, and implement an Equal Opportunity Policy in compliance with Section 21 of the Rights of Persons with Disabilities Act, 2016 and the Rules framed thereunder;

D. Direct Respondent No. 1 to pay compensation of Rs. 1,00,000/- (Rupees One Lakh only) to the Petitioner for violation of his statutory and fundamental rights;

E. In the alternative to prayers A to D, direct Respondent No. 2 to pass a reasoned recommendation on the Petitioner's complaint within a time-bound manner, as fixed by this Hon'ble Court;

F. During the pendency of the present Writ Petition, direct the Respondent No.1 to reinstate the Petitioner in service and to restore the Petitioner's salary and other service benefits, on an ex-parte and ad-interim basis, subject to the

outcome of instant Writ Petition;

G. Award costs of the present litigation quantified at Rs. 50,000/- (Rupees Fifty Thousand only) in favour of the Petitioner; and

H. Pass such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. At the outset, on a perusal of the prayers as noted aforesaid, it is clear that the Petitioner has sought relief against Thyssenkrupp Electrical Steel India Pvt. Ltd. (later JSW JFE Electrical Steel Nashik Pvt. Ltd.), and now called T.K.E.S. Pvt. Ltd. on 1st September 1995 (hereinafter referred to as “T.K.E.S.”) i.e. Respondent No.1 which is a company, and a private party against which the reliefs as sought for in the present petition cannot be granted, inasmuch as the said private party is not ‘State’ as per Article 12 of the Constitution of India. Hence, the reliefs as sought for in the present petition cannot be granted in respect of the private party. However, considering that the Petitioner is a disabled person and the private party Respondent No.1 company above is governed by the provisions of the Rights of Persons with Disabilities Act, 2016, (hereinafter referred to as “**the Act**”), we have entertained the present petition only to the extent of allowing the following relief, in pursuance of the decision taken by the State Commissioner for Persons with Disabilities i.e. Respondent No.2 by his letter/communication dated 5th January 2026 (Exhibit O to the petition.)

3. The relevant facts are briefly as follows: -

- i. The Petitioner was appointed as a Trainee Commercial Assistant in T.K.E.S i.e. Respondent No.1 company.
- ii. The Petitioner was thereafter given multiple increments as an appreciation for his work. Thereafter in 2018, the Petitioner was appointed and confirmed as

Deputy Manager.

iii. On 26th August 2020, while commuting to work during the Covid-19 pandemic, the Petitioner suffered a major brain haemorrhage (stroke) resulting in right hemiplegia, and temporary loss of speech. The concerned doctor on 14th April 2022, issued a medical certificate certifying that on account of the haemorrhage/damage, the Petitioner could only speak a few words and could not walk without support. It was also further certified by the doctor that the Petitioner can rejoin desk job with 'light duties'. Similar certificate was issued on 14th September 2022 by the orthopaedic doctor certifying that the Petitioner could rejoin duties from 19th September 2022 advising light duty.

iv. On 24th March 2023, disability certificate was issued to the Petitioner by the competent authority certifying 40% permanent disability insofar as the Petitioner is concerned.

v. The Petitioner thereafter in 2023, on the directions of Respondent No.1 appeared before the medical officer of Respondent No.1 along with all his medical records for medical examination. The Respondent No.1 company sent a letter to the Petitioner directing him to visit a certified surgeon under the Factories Act, 1948 for further examination. On 15th December 2023, the certified surgeon who was a chest specialist conducted a medical examination of the Petitioner and declared him unfit for the job.

vi. On 1st January 2024, the Petitioner sent a letter to Respondent No.1 company requesting them to rejoin their services within 15 days, failing which the Petitioner would be constrained to take legal action against the Respondent No.1

company. On 6th July 2024, the Petitioner sent a letter to Respondent No.1 company asking them to reinstate the Petitioner and pay back wages within 5 days of receiving the said legal notice. The Respondent No.1 company replied to the aforesaid notice. The Petitioner had also filed a complaint/dispute application before the Respondent No.2 in respect of his grievance of reinstatement of the Petitioner and payment of back wages.

vii. On 24th June 2025, the Respondent No.1 company wrote to the Respondent No.2 requesting him to close the matter, reiterating their previous stand that the Petitioner's recovery chances are low and claims are invalid. The Respondent No.1 company also took a stand that Petitioner's physical and mental health was not upto the mark and hence he could not be reinstated into service.

viii. On 8th July 2025, the Petitioner filed an application before the Respondent No.2 to take strict action against the Respondent No.1 company for non-compliance of provisions of the Act. A hearing was given to the Petitioner. The Petitioner thereafter filed an application before Respondent No.2 for obtaining the Equal Opportunity Policy (EOP) from Respondent No.1 company and to take action under the provisions of the Act if the EOP was not available.

ix. On the Petitioner's application for EOP, Respondent No.2 by his letter/communication dated 5th January 2026 directed Respondent No.1 company to submit a proposal for registration of EOP for employees with disabilities as per provisions of the Act within 3 days from the receipt of the said letter/communication, failing which the office of the Respondent No.2 would be constrained to take legal action against Respondent No.1 company and its office

bearers under the provisions of Section 90 of the Act. The relevant letter/communication dated 5th January 2026 is reproduced below:-

Government of Maharashtra
Commissioner for Persons With Disabilities Welfare 3 Church Road, Maharashtra
State Pune 411001

O.No. DKA/S-7/EOP/2025-26/

To,
HR Officer,
JSW JFE Electrical Steel Nashik Private Limited
(Formerly known as thyssenkrupp Electrical Steel India Pvt. Ltd.)
At Post Gonde, Village Wadivarhe,
Tq. Igatpuri, Dist Nashik Maharashtra 422403
E-Mail ravindra.vadav@j2es.in,
bhattacharjee@j2es.in

Subject: In the matter of registration of Equal Opportunity Policy for employees with disabilities.

Whereas it is mandatory as per section 21 of the Rights of Persons with Disabilities Act, 2016 and rule-8(2) of the Central Rights of Persons with Disabilities Rules, 2017, every private establishment shall register its equal opportunity policy for its employees with disabilities, in this office.

And whereas, from the perusal of official records, your above-named private establishment has not registered the same with this office. As per section 90 of the Rights of Persons with Disabilities Act, 2016, your private establishment and its office bearers are individually and jointly responsible for contravention of the aforesaid provisions.

And whereas you are hereby directed that from the day of receipt of this letter / notice, kindly submit a proposal for registration of Equal Opportunity Policy for employees with disabilities as per aforesaid provisions within 03 days for your aforesaid private establishment. Failing which, this office will be constrained to take legal action against your private establishment and its office bearers under the Provision of Section 90 Right of Persons with Disabilities Act 2016.

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PATIL MAHESH BHASKARRAO
Date: 05-01-2026 17:10:29

(Mahesh Patil, I.A.S.)
Commissioner
For Persons with
Disabilities
Welfare,
Maharashtra State,
Pune.

4. Ms. Sarah along with Mr. Abhilash Kurey (through Video Conferencing) appeared on behalf of the Petitioner. Mr. P.P. Kakade, Addl. G.P. along with Mr. A.K. Naik, AGP appeared on behalf for the State. None appeared for Respondent No.1 company.

5. Mr. Kurey learned counsel on behalf of the Petitioner vehemently submitted that the provisions of the Act are applicable to the facts of the present case and Respondent No.1 company has failed to provide the details as directed by Respondent No.2 by his letter/communication dated 5th January 2026. He therefore submitted that there has been a contravention of the provisions of Sections 89 and 90 of the Act by Respondent No.1 company and hence it was his submission that a writ of mandamus be issued against the Respondent No.1 company directing them to reinstate the Petitioner along with all the other appending benefits in accordance with the provisions of the Act. He also pressed for the other reliefs as sought for in the present petition.

6. *Per contra*, learned Addl. AGP Mr. Kakade submitted that the present writ petition is misconceived and an appeal can be preferred against the letter/communication dated 5th January 2026 issued by Respondent No.2.

7. We have heard learned counsels on behalf of the parties and perused the papers and proceedings with their assistance. As noted by us in paragraph 2 above, no writ can lie against a private party and hence the prayers as in the aforesaid petition cannot be granted to the Petitioner. However, considering the peculiar facts of the case, we are inclined to hold that Respondent No.2 carry out the directions as given in his letter/communication dated 5th January 2026 to its logical

conclusion and take further appropriate action in accordance with law within a period of three weeks from the date this order is made available to Respondent No.2 by the Petitioner. We are not inclined to grant any relief in the facts of the present case.

8. Petition disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)