

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.901 of 2017
(Mangala Ramesh Gaikwad Vs. The State of Maharashtra and others)

Mr.U.A.Khekale, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent Nos. 1 to 4.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 17/02/2017

PER COURT :

1. While issuing notice, this Court had observed on 23/01/2017
as under :-

*“1. The petitioner is aggrieved by the order dated 07/06/2014,
by which, respondent No.1 has rejected the petitioner’s Appeal
No.67/2012 in a single sentence.*

*2. Issue notice before admission to the respondents, returnable
on 17/02/2017. Learned AGP waives service for respondents.”*

2. I have heard the learned AGP who has tried to support the
impugned order.

3. It cannot be ignored that the petitioner has filed an appeal
under the Service Rules applicable and has prayed for quashing of
the order dated 06/08/2011 and the consequential order dated
30/11/2011. Without assigning any reasons except stating in one

sentence that the decision of the Caste Scrutiny Committee invalidating the claim of the petitioner is final, her appeal has been rejected.

4. The petitioner has raised the issue of illegal reversion as well as illegal recovery in her appeal which needs to be considered and the least that is expected is that the competent authority would pass a reasoned order on the merits of the appeal.

5. Considering the above, this petition is partly allowed. The impugned order dated 07/06/2014 is quashed and set aside. Appeal No.67/2012 is remitted to the Office of respondent No.1 for a rehearing. The petitioner shall appear before respondent No.1 at 3.00 p.m. on 10/03/2017 and shall abide by the dates of hearing as may be posted by respondent No.1. All contentions of the litigating sides are kept open. It is expected that respondent No.1 to decide the appeal by passing a reasoned order, as expeditiously as possible.

(RAVINDRA V. GHUGE, J.)