

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2386 OF 2016

Anita Vinayak Rathod

... Petitioner

Vs.

Kalyan Dombivli Municipal Corporation
and Ors.

... Respondents

.....

Mr. C.K. Bhangoji I/b. R.K. Mendadkar for the Petitioner.

Mr. S.L. Babar, A.G.P for Respondent No.4.

.....

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : JULY 10, 2017.

P.C. :

1. Not on Board. In view of urgency, taken on Production Board.
2. Feeling aggrieved by the order dated 29-07-2015 (Exhibit-A) passed by Respondent No.3, the Petitioner has filed this petition.
3. The case of the Petitioner is that, immediately after passing of the impugned order dated 29-07-2015 by which, the Petitioner was ordered to be reverted on the ground that, she had failed to produce the Caste Validity Certificate, the Caste Scrutiny Committee vide order dated 30-07- 2015 (Exhibit-K) has passed an order validating the Petitioner's Caste Certificate and in the

circumstances the Petitioner had submitted an representation dated 18-01-2016 (Exhibit-L) before Respondent No.3 seeking revocation of the impugned order dated 29-07-2015 and restoring Petitioner's position as the Petitioner had got and had submitted the Caste Validity Certificate.

4. It is the grievance of the Petitioner that, till date the said representation has not been considered and no decision on the basis of the Caste Validity Certificate submitted by the Petitioner has been taken.

5. Keeping in view of the aforesaid without commenting upon the merits of the matter, we dispose of this petition directing Respondent No.3 to reconsider the Petitioner's matter keeping in view the fact that the caste validity claim was pending before the Caste Scrutiny Committee when the impugned order was passed and immediately on the next date, the caste claim of the Petitioner was allowed and she was granted the Caste Validity Certificate. The authority shall also consider that it was not in the hands of the Petitioner to submit the same as the matter was pending before the committee.

6. As a result we dispose of this petition by directing Respondent No.3 to reconsider the Petitioner's claim in view of the subsequent developments and take appropriate decision on it in accordance with law as expeditiously as possible but not later than three months from the date of appearance of the Petitioner before Respondent No.3.

7. Petitioner to appear before Respondent No.3 alongwith copy of the Caste Validity Certificate and the representation on 25-07-2017 at 11.00 a.m.
8. With the aforesaid direction, the petition is disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)