

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11168 OF 2014

Kalindi K. Rai .. Petitioner
Versus
The Education Officer, Secondary
Z.P., Thane and Anr. .. Respondents

Ms. Aparna Devkar i/b. M.P.Vashi Associates for petitioner
Mr. S.B.Kalel, AGP for respondent – State.

CORAM : B.R.GAVAI &
BHARATI H. DANGRE, JJ.

DATE : 2nd May 2018.

P.C.

The Court was required to direct presence of respondent No.1 since, in spite of notice being issued on 23rd September 2016, reply was not filed on behalf of respondent No.1.

2] Accordingly, Mrs. Meena Yadav, Education Officer, Z.P. Thane is present in court. She has tendered unconditional apology for not having responded to the notice issued by this Court.

3] The petition is filed basically for a direction to respondent No.2

to withdraw the communication dated 13th June 2014 and further direction to respondents to disburse the salary of the petitioner.

4] In the affidavit in reply filed on behalf of respondent No.1, it is stated thus:-

“4. I say that after going through the matter, no record was found in this office regarding the letter/ order dated 13th June 2014 issued by the Ex- Education Officer with the control on pay and provident fund unit, and hence it is decided to release the salary of the petitioner. I say that necessary orders were issued by letter No.7313 dated 27/4/2018 issued by the Superintendent, Pay and Provident Fund Unit, Thane i.e. respondent No.2 as per the directions issued by Respondent No.1. Hereto annexed and amrked as Exhibit -1 is the copy of the letter/ order dated 27/4/2018.”

5] The above statement in the affidavit is taken on record and treated as undertaking to this Court.

6] The petition is disposed of on the basis of the aforesaid statement/ undertaking which is accepted by this Court. The

unconditional apology tendered by respondent No.1 is also accepted and notice issued is discharged.

7] The petition is disposed of in the aforesaid terms.

(BHARATI H. DANGRE, J)

(B.R.GAVAI, J.)