

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6472 OF 2014

Mrs. Kamal Ramdas Suryavanshi	 Petitioner
Vs.	
State of Maharashtra & Others	 Respondents

Mr. R.K. Mendadkar for the Petitioner.
Mr. B.V. Samant, AGP, for the Respondent-State.

CORAM: S.C. DHARMADHIKARI &
R.I. CHAGLA, JJ.

DATE : DECEMBER 03, 2019

P.C:

1. After having heard both sides, we find that the petition cannot succeed.
2. The petitioner was indeed appointed against a reserved seat as per the roster.
3. She may say that this was not the position but we will not allow her to challenge the official records and public documents.
4. When confronted with such a position, Mr. Mendadkar, on taking instructions from the petitioner who is present in Court, says that the date of birth of the petitioner is

1-1-1962. She will complete 58 years on 31-12-2019/1-1-2020.

5. Within ten days from today the petitioner will tender an application seeking voluntary retirement from service.

6. That will be by relying upon her School Leaving Certificate, copy of which is at page 19, Exhibit-1, to the affidavit in reply.

7. If such an application is made and there is indeed a policy permitting seeking of voluntary retirement from the services of an educational institution, we have no doubt in our mind that not only the educational institution, the Education Officer but the concerned authorities in the Department of Social Justice, Government of Maharashtra, will assist the petitioner. She will then be entitled to draw pensionary benefits on completion of the requirement to render qualifying service. If there is nothing against her otherwise, then, all arrears of salary, as per the applicable pay-scales, terminal benefits, including pension be released in her favour. Needless to clarify that this will include the monthly pension payable from time to time if otherwise eligible. The writ petition is disposed of in these terms.

8. This order is passed in the peculiar facts and circumstances of this case. We have protected the service

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rendered by the petitioner because she is a lady, illiterate and unaware of the legal consequences. This is an exceptional order and it will not apply as a precedent for any cases of this nature. As far as this petitioner is concerned, she would not be visited with the consequences that are set out in the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (the Maharashtra Act No.23 of 2001).

(R.I. CHAGLA, J.)

(S.C. DHARMADHIKARI, J.)

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