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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12060 OF 2016

Dr. Sandhya Jinturkar

..Petitioner

vs.

State of Maharashtra & anr.

..Respondents

.....

Mr. Vishal Muglikar i/b. Mr. Yogesh Jaybhav for petitioner.

Mr. Karan Thorat, AGP for respondent No.1.

Mr. J.G. Reddy, for respondent No.2.

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**CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.**

DATE : 7 FEBRUARY 2020

P.C.:-

Heard learned counsel for the parties.

2. The limited grievance made by the Petitioner is regarding adverse entry made in the confidential record of the Petitioner for the year 1999-2000.

3. The Petitioner was appointed as a Special Officer, Health and Physical Education. The Petitioner had sought a time bound promotion, which was given to the Petitioner. However, the same

was given delayed effect of one year in view of the adverse remarks. The letter dated 3 August 2000 addressed to the Petitioner communicated the adverse remarks. The Petitioner made representation and by a communication dated 29 September 2000 remarks at Serial No.2 to 8 excluding remark at Serial No.1 were withdrawn. It is the contention of the Petitioner that having withdrawn adverse remarks to Serial Nos. 2 to 8, Serial No.1 which reflected on her competence, should be directed to be withdrawn. It is not possible to issue such a direction. The adverse remarks are made by the employer by observing the work of the employee. Merely because some of the remarks have been withdrawn, we cannot straight away presume that remaining one is rendered superfluous. A specific order is passed not withdrawing the remark at Serial No.1.

4. However, we do not wish to conclude this issue because the Petitioner has already made representation that since remarks from Serial No.2 to 8 which have been withdrawn it is not necessary to keep the remark Serial No.1 pending. The Respondents, if they have already not disposed of this representation, shall do so expeditiously considering the fact that the Petitioner is superannuated, preferably within a period of 6 months from today.

5. Apart from the representation, the Writ Petition filed, shall also be considered as a representation. After decision thereupon, if

it is favourable to the Petitioner, further benefits can be extended by the Respondents to the Petitioner.

6. The Writ Petition is, accordingly, disposed of.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)

Diksha
Rane

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