

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5677 OF 2021.

Mrudula Jayant Waghmare alias
Bharati Rangrao Patil

...Petitioner.

Versus

The State of Maharashtra & Others.

..Respondents.

Mr. R.K. Mendadkar, for the Petitioner.
Mr. S.S. Bhende, AGP for the Respondent-State.

CORAM : NITIN W. SAMBRE &
SHARMILA U DESHMUKH, JJ.

Date : December 1, 2022.

P. C. :

1. The claim of the Petitioner is that she has availed the benefit of constitution reservation for getting an appointment under a reserved category, being married to a person from reserved category. It is further urged that in view of the change in position of law, Respondent no.3 intends to terminate the services of Petitioner as she has failed to produce the validity certificate. It is a fact that the the Petitioner does not belong to reserved category and only after her marriage, she claims to have acquired such status.

2. Mr. Mendadkar, learned counsel for the Petitioner has drawn

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support from the judgment of this Court in the matter of Leela D. Chauhan v. State of Maharashtra, [2021(6) Bom.C.R. 496], so as to substantiate his claim that irrespective of the validity certificate, Petitioner is entitled to continue in the service as :

- (a) she has entered into service after following the due process of law and,
- (b) the employment was granted as per the rules and regulations in force on the date of appointment.

3. Learned AGP submitted that in the facts and circumstances of the case, the Court may pass appropriate order.

4. In the aforesaid background, as prayed by Mr. Mendadkar, learned counsel for the Petitioner, the petition stands disposed of as withdrawn.

5. The Petitioner to make a representation to Respondent Nos.3 and 4 based on the law laid down by the Division Bench of this Court in the matter of Leela D Chauhan (supra) praying a protection of services. We expect Respondent Nos.3 and 4 to communicate their decision to the Petitioner in any case within a period of three months from the date of receipt of such representation. It is expected of Respondent Nos.3 and 4

to take a decision on the representation of the Petitioner in the backdrop of the law laid down by the Division Bench of this Court in Leela D Chauhan (supra).

[Sharmila U. Deshmukh, J.]

[Nitin W. Sambre, J.]