

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

SPECIAL APPEAL NO. 623 of 2019

Reeta Rani

.....Appellant.

Vs.

State of Uttarakhand and another.

...Respondents

Sri Arvind Vashisth, learned Senior Counsel assisted by Sri Vivek Pathak, learned counsel for the appellant.

Sri B.S. Parihar, learned Standing Counsel for the State of Uttarakhand / respondents.

Sri Piyush Garg, learned counsel for the intervener.

Dated: 28th June, 2019

Coram: Hon'ble Ramesh Ranganathan, C.J.

Hon'ble Alok Kumar Verma, J.

Ramesh Ranganathan, C.J. (Oral)

After arguing at length, Sri Arvind Vashisth, learned Senior Counsel appearing on behalf of the appellant-writ petitioner, Sri B.S. Parihar, learned Standing Counsel for the State of Uttarakhand, and Sri Piyush Garg, learned counsel for the intervener, agree that, since no order, declaring the appellant-writ petitioner to have suffered disqualification from continuing to be a member of the Dehradun Municipal Corporation, has been passed, this Court may, instead of passing orders on merits, direct the State Government to comply with the rules of natural justice, issue a show cause notice to the appellant-writ petitioner, afford her an opportunity of being heard, and thereafter pass a reasoned order in accordance with law.

2. Sri Piyush Garg, learned counsel for the intervener, would only request that the Government be directed to consider, and pass orders in a specified time-frame.

3. The Special Appeal is disposed of setting aside the order under appeal, and directing the second respondent to issue a notice to the appellant-writ petitioner asking her to show cause why she should not be held to have suffered disqualification, from continuing to be a Corporator of the Dehradun Municipal Corporation, in the light of the

decision of the Scrutiny Committee that the caste certificate produced by her, of being a member of the Scheduled Castes, is based on a forged sale-deed, and is invalid; give her a reasonable opportunity of submitting her reply thereto; and, thereafter, pass a reasoned order on whether or not the appellant-writ petitioner has incurred disqualification. The entire exercise, culminating in an order being passed by the 2nd respondent and in its being communicated to the appellant-writ petitioner, shall be completed at the earliest, and in any event within one month from the date of production of a certified copy of this order.

4. The order under appeal is set aside. The order impugned in the writ petition is also set aside, and the Special Appeal stands disposed of accordingly. No costs.

5. Let a certified copy of this order be furnished to the parties, on payment of prescribed charges, by 29.06.2019

(Alok Kumar Verma, J.)

28.06.2019

Rathour

(Ramesh Ranganathan, C.J.)

28.06.2019