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Administrative Law—Dismissal of Complaint Before State Commission Against Discrimination

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Sufficiency of Mandamus Proceeding—Per Curiam

A petition, in the nature of *mandamus*, under Article 78 of the Civil Practice Act, to compel town officials to enforce an "Ordinance Relating to Sand Bank and Pit, Topsoil Removal and Other Excavations" was held to state a good cause of action,⁵⁵ although, as pointed out by three justices dissenting, it was directed toward the prevention of illegal acts by third persons not customarily thought of as within the ambit of the *mandamus* remedy.⁵⁶

Dismissal of Complaint Before State Commission Against Discrimination

The dismissal by a single member of the State Commission Against Discrimination of a complaint for discrimination in hiring of stewardesses by an airline was reviewable by the courts and was upheld by the Court of Appeals, the actions of the official of the Commission not appearing from the record to have been arbitrary or capricious.⁵⁷

55. *Ciminera v. Sahn*, 4 N.Y.2d 400, 176 N.Y.S.2d 257 (1958).

56. *Walsh v. LaGuardia*, 269 N.Y. 437, 199 N.E. 652 (1936).

57. *Jeanpierre v. Arbury*, 4 N.Y.2d 238, 173 N.Y.S.2d 597 (1957).