

IN THE HIGH COURT OF BOMBAY AT GOA.

Writ Petition No.464 of 2015.

Diksha Naik
 wife of Mr. Devanand Naik
 aged about 41 years,
 Indian National, residing at
 H No.32/A, Sateriwado,
 Camurlim, Bardez Goa.

Petitioner

Versus

1. The State of Goa.
 Through the Chief Secretary,
 Secretariat,
 Porvorim - Goa.

2. Director of Women and Child Development
 2nd Floor, Old Education Bldg,
 18th June Road,
 Panaji, Goa.

..Respondents.

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Mr. Amey Kakodkar, Advocate for the petitioner.
 Mr. D. Lawande, Government Advocate for the
 respondents.

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CORAM : F.M. REIS & K.L. WADANE, JJ.
Dated : 31st August, 2015.

ORAL JUDGMENT : (Per F.M. Reis, J)

1. Heard Mr. Amey Kakodkar, learned counsel appearing
 for the petitioner and Mr. D.Lawande, learned Government
 Advocate appearing for the respondents.

2. We have heard the learned counsel appearing for the respective parties extensively and upon hearing, we find that the above writ petition can be conveniently disposed of by examining whether the impugned order dated 21.4.2015 would stand the test of the principles of natural justice.

3. On perusal of the record, we find that there are specific allegations in the petition that the impugned order was passed without affording any opportunity of hearing and/or even without issuing a show cause notice to the petitioner. These facts have not been disputed by Mr. Lawande, the learned Government Advocate, who has fairly accepted such position.

4. In such circumstances, on this short ground, we find that the impugned order was passed without complying with the principals of natural justice, and as such, the impugned order deserves to be quashed and set aside. Needless to say that the respondents, if so advised, are at liberty to issue a show cause notice and proceed to decide such notice after hearing the petitioner in accordance with law. In such proceedings, all contentions of the petitioner and the

respondents on merits are left open. Any action taken by the respondents shall be by complying with the principles of natural justice which shall not prejudice the rights of the petitioner, if at all, in law. Subject to the above, we pass the following order:-

ORDER

- (i) The impugned order dated 21.4.2015 is quashed and set aside.
- (ii) The respondents, if so advised, are at liberty to proceed to take action against the petitioner in the light of the observations made herein-above in accordance with law. All the contentions of the parties on merits are left open.
- (iii) Rule is made absolute in the above terms with no order as to costs.

K.L.WADANE, J

F.M. REIS, J.

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