

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 623 OF 2014

MR. ANANT V. KAUSHAL AND ANR., ... Petitioners
Versus
THE DIRECTOR OF EDUCATION, GOVT.
OF GOA. AND 4 ORS. ... Respondent

Mr. Nigel Da Costa Frias, Advocate for the petitioners.
Mr. A. N. S. Nadkarni, Advocate General with Ms. P. Bhandari,
Addl. Government Advocate for the respondent nos. 1 and 2.
Mr. S. D. Lotlikar, Senior Advocate with Ms. N. Patil, Advocate for
the respondent nos. 3 to 5.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 29th January, 2015

P.C.

Heard Mr. Nigel Da Costa Frias, learned counsel appearing for the petitioners, Mr. A. N. S. Nadkarni, learned Advocate General appearing for the respondent no. 1 and 2 and Mr. S. D. Lotlikar, learned Senior Counsel appearing for the respondent nos.3 to 5.

2. We have heard the learned counsel appearing for the respective parties and with their assistance perused the records. The main grievance of the petitioners is with regard to the report submitted by the respondent no.1 dated 03.06.2014 in view of the directions issued by this Court. There were contentions raised by the petitioners to point that the report stands vitiated.

3. After hearing the learned counsel, we find that considering the purpose for which such report was prepared, the question of any interference by this Court in exercise of jurisdiction under Article

226 of the Constitution of India would not arise at all.

4. It is pointed out by Mr. Nigel Da Costa Frias, learned counsel appearing for the petitioners that the petitioners had produced a CD along with the transcript which the respondent no.1 found in the report to be blank. But however, according to the learned counsel the petitioners are in a position to produce a fresh CD along with the transcript to the respondent no.1 along with other material to point out that the report submitted by the respondent no.1 is not correct. The learned Advocate General submits that the respondent no.1 will re-examine the grievance if such material is produced by the petitioners.

5. Though we are not inclined to interfere with the report submitted by the respondent no.1, liberty is given to the petitioners to file an appropriate application before the respondent no.1 producing a fresh CD along with the transcript and other relevant material in support of their alleged contention. Needless to say, the respondent no.1 shall consider such contention after hearing all the concerned parties in accordance with law.

6. Subject to the above, the petition stands rejected.

K. L. WADANE, J.

F. M. REIS, J.

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