

IN THE HIGH COURT OF BOMBAY AT GOA.**WRIT PETITION NO. 647/2015**

Shri Anil Govind Naik,
Major in age
Teacher Grade-I, People's
Higher /Secondary School (Presently
under Suspension), residing at Flat
No.2/G-3, Duple Residency,
Tamdimali, Taleigao-Goa 403 002.

Petitioner

Versus

1. State of Goa, through the Chief
Secretary, having office at
Secretariat, Alto Porvorim,
Bardez-Goa.
2. The Secretary (Education),
State of Goa, having office at
Secretariat, Alto Porvorim,
Bardez-go.
3. The Director of Education,
Government of Goa, having
Office at Directorate of Education,
Alto Porvorim,
Bardez-Goa.
4. The Deputy Director of Education,
North Education Zone,
Panaji-Goa.
5. The People's Higher Secondary School,
Through the Chairman,
School Managing Committee,
Having office at Rua de Ourem,
Mala, Panaji-Goa.

Respondents.

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Mr. Nigel Da Costa Frias, Adv. for the petitioner.
Ms. Priyanka Kamat Additional Government Advocate for the
respondent nos. 1 to 4
Mr. A.D Bhole, Advocate for the respondent no.5.

CORAM : F.M.REIS & K.L.WADANE, JJ
DATED : 08/10/2015.

Oral Judgment (Per F.M. Reis, J):

1. Heard Mr. Nigel Da Costa Frias, learned counsel appearing for the petitioner, Ms. Priyanka Kamat, learned Additional Government Advocate appearing for the respondent nos. 1 to 4 and Mr. A.D Bhobe, learned counsel appearing for respondent no.5.

2. Rule. Heard forthwith with the consent of the learned counsel appearing for the parties. The learned counsel waives notice on behalf of the respective parties.

3. Upon hearing the learned counsel appearing for the respective parties, a short point for consideration is whether the members of the DPC of the respondent no.5 is justified in not considering the claim of the petitioner for grant of Selection Scale, merely because disciplinary proceedings against the petitioner are pending. The said stand of DPC cannot be accepted as the claim would have to be examined in accordance with the law and the decision kept in a sealed cover. Hence, the respondent no.5 shall call for the D.P.C. to consider the claim of the petitioner for grant of Selection Scale and keep the decision

in a seal cover until the disciplinary proceedings stands disposed of.

4. All the contentions of parties are kept open.
5. Rule stands disposed of accordingly.

K.L.WADANE, J

F.M. REIS, J

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