

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 153/2015**

SMT. GEETA BUSA.

..... **Petitioner.****V/s.**STATE OF GOA, THROUGH THE
CHIEF SECRETARY AND 4 OTHERS...... **Respondents**

Ms. Asha Desai, Advocate for the petitioner.

Mr. S Dhargalkar, Additional Govt. Advocate for the respondents No.
1 to 4.

Mr. P. Lotlikar, Advocate for the respondent No.5.

Mr. Shivan Desai, Advocate for the respondent No.6.

**CORAM :- F.M. REIS &
K.L. WADANE, JJ.****Date : - 21 July 2015.****P. C. :-**

Heard Ms. Asha Desai, learned Counsel appearing for the petitioner, Mr. S. Dhargalkar, learned Additional Govt. Advocate appearing for the respondents No.1 to 4, Mr. P. Lotlikar, learned Counsel appearing for the respondent No.5 and Mr. Shivan Desai, learned Counsel appearing for the respondent No.6. An affidavit-in-

rejoinder has also been filed by the petitioner.

2. The above petition, *inter alia*, seeks reliefs to implement the orders of the Goa State Commission for Protection of Child Rights; and to direct the Director of Education to take over the management of the School; and also to examine the status of the FIR lodged against the respondent No.5.

3. As far as the third relief is concerned, it is not disputed that pursuant to the registration of the FIR, a Charge-sheet has already been filed before the Children's Court at Panaji and it is brought to our notice that the Presiding Officer of the Children's Court has also granted bail to the respondent No.5, subject to the conditions imposed therein. In such circumstances, the alleged grievance of the petitioner, as far as third relief is concerned, stands redressed.

4. As far as the second relief of the petitioner is concerned, we find that it is not disputed that the children of the petitioner are not presently studying in the concerned School. It is also not disputed that mid-term transfer was permitted to the children of the petitioner which was availed by the petitioner after getting the requisite NOCs from the

concerned School, as also the Director of Education. It is also not disputed that presently the petitioner has no connection or any dealing with the concerned School. Apart from that, Mr. Shivan Desai, learned Counsel appearing for the respondent No.6 has pointed out that about 450 and odd students are studying in the said School and the School has attained 100% results in the Secondary School Certificate Examination held during the last academic year. In such circumstances, we find that the petitioner has no locus to seek the second relief sought in the above writ petition.

5. With regard to the first relief sought by the petitioner to implement the order passed by the Goa State Commission for Protection of Child Rights, we find that such order is not disputed to be only recommendatory in nature. In the present case, criminal proceedings are pending before the Children's Court and the respondent No.6 in its meeting has taken a view to defer the decision on the disciplinary proceedings till the criminal proceedings are finally disposed of. Ms. Asha Desai, learned Counsel appearing for the petitioner, however strenuously points out that this decision of the respondent No.6 is vitiated for lack of quorum at the said meeting. It is also pointed out by the learned Counsel that a representative of the

Director of Education was also not present at the said meeting. Considering that the petitioner has no subsisting connection with the respondent No.6, the question of examining the validity of the decision of the respondent No.6 at the said meeting at the instance of the petitioner would not at all be justified.

6. As far as the grievance of the petitioner that the Order of the Goa State Commission for Protection of Child Rights is not being implemented, we find that the Director of Education, if so advised, can initiate action against the School Management, in case of any breach found to have been committed by the School Management, in accordance with law.

7. Subject to the above, there is no reason for any interference based on the aforesaid contentions in the above writ petition, which stands, accordingly, rejected.

K.L. WADANE, J.

F.M. REIS, J.

ssm.