

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 353/2016**

Dr. (MRS) U.J. Wanda Viegas
Da Costa Araujo, aged 45 years,
Indian National, resident of C/o.
Mr. Cosme da Costa Araujo,
House No.118, Gina Ward, Chicalim,
Mormugao-Goa 403 711.

..... **Petitioner.**

V/s.

1) State of Goa,
through its Chief Secretary,
having Office at Secretariat,
Porvorim, Bardez, Goa.

2) The Dean,
Goa Medical College,
Government of Goa,
having Office at Bambolim, Goa.

3) Goa Public Service Commission,
through its Member Secretary,
having Office at Panaji, Goa.

..... **Respondents.**

Mr. D. J. Pangam, Advocate for the petitioner.

Mr. S. D. Lotlikar, Advocate General with Mr. A. Prabhudessai,
Additional Government Advocate for the respondent Nos. 1 and 2.

Mr. D. Lawande, Government Advocate for the respondent No.3.

**CORAM :- F.M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date : - 05/07/2016.

ORAL JUDGMENT : (PER F.M. REIS, J.)

Heard Mr. D. J. Pangam, learned Counsel appearing for the petitioner, Mr. S. D. Lotlikar, learned Advocate General appearing for the respondent Nos. 1 and 2 and Mr. D. Lawande, learned Government Advocate appearing for the respondent No.3.

2. Rule. Learned Counsel appearing for the respondents waive service. Heard forthwith, with the consent of the learned Counsel.

3. The above petition, *inter alia*, prays for a direction to consider the candidature of the petitioner to the post of Senior Medical Officer at Goa Medical College, in terms of the Advertisement dated 14/02/2016 and in the alternative to issue a writ or direction to the respondents No.1 and 2 to relax the age requirement to the said post at Goa Medical College. During the pendency of the above petition, the petitioner sought for an interim relief as, in the meanwhile, the selection process of the subject-post was in progress and this Court, by an ad interim order dated 13th April, 2016 had, *inter alia*, directed in the peculiar facts and circumstances of the case, as an interim measure,

the respondent No.3 to conduct the interviews of the petitioner and keep the results thereof in a sealed cover, which would be subject to further orders of this Court. It is undisputed that the petitioner is in service with Goa Medical College for a period of over 12 years, on contract basis, and has been seeking for an appointment to the said post based on the said advertisement.

4. It is brought to our notice by Mr. Pangam, learned Counsel appearing for the petitioner that after granting relaxation of 5 years, the petitioner fell short of four months to meet the eligibility criteria with regard to age, in terms of the said advertisement. The learned Counsel further points out that for no fault of the petitioner, she is sought to be debarred from being eligible for the said Post as there was undue delay on the part of the concerned Department in issuing the advertisement for the said post. It is brought to our notice that in the meanwhile, by a Notification dated 23rd June, 2016, minimum age limit has been now fixed at 45 years. In terms thereof, the eligibility of the petitioner to the concerned Post now would not be in doubt.

5. In the peculiar facts and circumstances of the case and taking note of the fact that undisputedly, the petitioner is working for

more than 12 years in the concerned post, we find that the petitioner is entitled for the relief as claimed also taking into account the subsequent Notification referred to herein above. As such, we find that the petitioner has to be treated as eligible for the said post in respect of her age, subject to meeting all other eligibility criteria referred to in the said advertisement. Consequently, we direct the respondent No.3 to proceed with the selection process, after opening the sealed cover in terms of the said ad interim order dated 13th April, 2016 and examine the suitability or otherwise of the petitioner, in accordance with law.

6. With the above observations, Rule stands disposed of in terms thereof.

NUTAN D. SARDESSAI, J.

ssm.

F.M. REIS, J.