

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 438 OF 2016

SHRI. NILESH G. NAIK.

... Petitioner

Versus

THE STATE OF GOA THR. ITS CHIEF
SECRETARY AND 6 ORS.,

... Respondents

Mr. Prashil Arolkar, Advocate for the petitioner, under Legal Aid Scheme.

Mr. Pravin N. Faldessai, Additional Govt. Advocate for the respondents No. 1 & 7.

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

Date:- 5th July, 2016

P.C.:

Heard Mr. Prashil Arolkar, learned Counsel appearing for the petitioner, and Mr. Pravin N. Faldessai, learned Additional Govt. Advocate appearing for the respondents No. 1 & 7.

2. Upon hearing the learned Counsel appearing for the petitioner, it appears that it is the contention of the petitioner that the respondent No.2 did not meet the basic eligibility criteria for being appointed to the post of Peon in the concerned School.

3. Mr. Arolkar, learned Counsel appearing for the petitioner has taken us through the advertisement which clearly prescribes that the qualification for such post is VIIIth Standard. The learned Counsel further points out that the respondent No.2 had passed only VIIth Standard and, as such, did not meet the basic qualification. The learned Additional Govt. Advocate, however, submits that for the

post of Peon, in terms of R.R. dated 16th March, 1985, the minimum qualification is Middle School or equivalent qualifications preferably in English. Perusal of the Selection Committee Report clearly reveals that the respondent No.2 had completed his Middle School. The learned Counsel appearing for the petitioner submits that there is a discrepancy with regard to the year when the petitioner had in fact passed his VIIth Standard looking into the mark-sheet produced on record and the qualification disclosed in the registration certificate before the Employment Exchange. These aspects cannot be examined by this Court in the present petition.

4. Considering that the respondent No.2 was meeting the eligibility criteria as referred to in the R.R. dated 16th March, 1985, we find that there is no case made out for interference under Article 226 of the Constitution of India. It is also to be noted that in terms of the Select List prepared by the Selection Committee, the name of the petitioner did not even figure at serial Nos.1 to 4 and, as such, the petitioner cannot, in any way, get the benefit even assuming that the grievances of the petitioner are accepted.

5. With the aforesaid observations, the petition stands rejected.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

ssm.