

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 584 OF 2016**

Shri Dilip Maruti Rangapuri  
House No. 198, Behind Simba Hotel,  
Khareband Road, Margao-Goa

... Petitioner

***V e r s u s***

1. State of Goa,  
Through the Secretary, Public Works Department,  
With his Office at Secretariat,  
Porvorim, Bardez-Goa.

2. THE DIRECTOR,  
Directorate of Animal Husbandry  
& Veterinary Services,  
Government of Goa, Panaji, Goa.

... Respondents

Mr. C. Padgaonkar, Advocate for the Petitioner.

Mr. P. Faldessai, Additional Government Advocate for the Respondents.

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

**Reserved for Judgment on : 11<sup>th</sup> August, 2016**

Judgment to be pronounced on :      25th November, 2016

**JUDGMENT (Per F. M. Reis, J.)**

Heard Mr. C. Padgaonkar, learned Counsel appearing for the  
Petitioners and Mr. P. Faldessai, learned Additional Government Advocate  
appearing for the Respondents.

2. Rule. Heard forthwith with the consent of the learned Counsel. Learned Addl. Government Advocate appearing for the Respondents waives service on behalf of the Respondents.

3. The above Petition, inter alia, seeks for a direction of this Court to issue a joining Order in favour of the Petitioner to the post of "Bull Attendant".

4. Briefly, the contention of the Petitioner is that pursuant to an advertisement published on 08.09.2011 inviting applications for filling up the post of Bull Attendant in the Directorate of Animal Husbandry and Veterinary Services, the Petitioner applied for such post. Subsequently, the Petitioner received a communication dated 08.09.2011 calling him to appear for an interview. By communication dated 07.12.2011, the recommendations of the Departmental Selection Committee in that regard, were accepted by the Government and the Petitioner was offered a temporary post of Bull Attendant(General) in the office of Director of Animal Husbandry and Veterinary Services on a certain pay scale. Upon receipt of the said appointment, the Petitioner addressed a letter on 12.12.2011 to the Director of Animal Husbandry and Veterinary Services accepting the said offer of appointment. Following the medical examination, the Medical Superintendent addressed a communication dated 15.12.2011 to the Director of Animal Husbandry and Veterinary Services. Thereafter, an Order

of appointment was issued on 21.12.2011 appointing the Petitioner to the post of Bull Attendant in the General Category. The Petitioner thereafter joined services as Bull Attendant on 29.12.2011. After resuming services, the Petitioner regularly attended the office only upto 07.01.2012 but, however, an Order came to be issued by the Director of Animal Husbandry and Veterinary Services keeping his Order of appointment in abeyance. The Petitioner further pointed out that upon inquiries it was confirmed that the some of appointees in connection with their appointment had in fact moved this Court seeking directions to resume the duties. It is further pointed out that on 20.01.2016, this Court disposed of the contempt application wherein directions were issued to comply with the Judgment dated 25.03.2014 passed in Writ Petition nos. 78 and 79 of 2013 and file compliance report. As the Petitioner was similarly placed and not given similar Orders, the above Petition came to be filed praying for the aforesaid reliefs.

5. Shri Padgaonkar, learned Counsel appearing for the Petitioner, has pointed out that the Petitioners are similarly placed to the Petitioners in Writ Petition nos. 78 and 79 of 2013 wherein a person who had applied for the post of Bull Attendant were directed to be given employment to such candidates. It is further pointed out that the Petitioner was in fact given to understand that the Petitioner would also be given such appointment letters but, however, arbitrarily and discriminately the Petitioner has been refused up to this date in getting such Orders. Learned Counsel has also brought to

our notice that in similarly placed situations, this Court had directed to grant letters of appointment in Writ Petition no. 475 of 2016. Learned Counsel has accordingly pointed out that Orders be accordingly issued to grant letters of appointment to the Petitioner.

6. On the other hand, Shri Faldessai, learned Addl. Government Advocate appearing for the Respondents, has pointed out that the Petitioner has not approached this Court immediately after he was aggrieved with the action of the Respondents and, as such, no relief can be granted to the Petitioner in such circumstances.

7. We have considered the submissions of the learned Counsel and we have also gone through the records. The fact that the Petitioner is similarly placed to the Petitioners in Writ Petition nos. 78 and 79 of 2013 has not been disputed. In the same selection process, the Petitioner herein was duly selected by the Selection Committee and, as such, depriving the Petitioner of such appointment would amount to discrimination.

8. In the Judgment of the Apex Court reported in **(2015) 1 SCC 347** in the case of **State of Uttar Pradesh & Ors. vs. Arvind Kumar Srivastava & Ors.**, it is clearly held that the General Rule is that persons who have been selected in the same selection process should get similar benefits irrespective of whether they have approached the Court or not. In such

circumstances, we find that there is no reason to refuse the relief sought by the Petitioner in the peculiar facts and circumstances of the case.

9. Hence, we hereby direct the Respondents to within 1 month issue the joining Order in favour of the Petitioner for the post of Bull Attendant but, however, will not be entitled for any back wages.

10. Rule is made absolute in the above terms. Petition stands disposed of.

**NUTAN D. SARDESSAI, J.**

**F. M. REIS, J.**

arp/\*