

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 721 OF 2016

MRS. SANJYOT UDAY KUDALKAR. ... Petitioner

Versus

THE STATE OF GOA, THR. THE
SECRETARY (HEALTH) PUBLIC HEALTH
DEPT. GOVT. OF GOA AND 2 ORS. ... Respondents

Shri Thalmann Pradeep Pereira, Advocate for the petitioner.

Shri Arun A. S. Talaulikar, Additional Government Advocate for the respondents no.1 and 2.

Shri D. Lawande, Additional Advocate General for the respondent no.3.

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

Date:- 18th October, 2016

P.C.:

Heard Shri T. Pereira, learned Counsel appearing for the petitioner, Shri Arun A. S. Talaulikar, learned Additional Government Advocate for the respondents no.1 and 2. and Shri D. Lawande, Additional Advocate General for the respondent no.3.

2. The challenge in the above petition is to the letter which is alleged to be an order dated 31/12/2015 addressed by the respondent no.3 to the respondent no.2 inter alia to place the said letter in the confidential report of the petitioner.

3. Shri Pereira, learned Counsel for the petitioner submits that looking into the wording of such letter it would influence an adverse entry in the confidential report of the petitioner.

4. Shri D. Lawande, learned Additional Advocate General appearing for the respondent no.3 points out that such letters are only recommendations to the State Government to examine them in accordance with law. The learned Additional Advocate General further points out that the subject communication is for the consideration of the State Government.

5. We have duly examined the contentions of the learned Counsel. It cannot be disputed that such communication is a mere recommendation and in case such recommendation is accepted it may influence passing of any adverse remark in the Confidential Report of the petitioner. Such exercise, if any, would have to be duly communicated to the petitioner.

6. Considering that such communication as pointed out herein above is a mere recommendation, the apprehension of the petitioner at this stage does not survive, also looking into the stand taken by the State Government that the decisions will be duly communicated to the petitioner.

7. The Petition accordingly stands disposed off. All the contentions

of the parties are left open. Needless to say that in case the communication is being acted by the State Government, the petitioner will be duly communicated accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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