

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 808 OF 2016

DR. JAGADISH A. CACODCAR,
Associate Professor,
Department of Preventive
and Social Medicine,
Goa Medical College, ... Petitioner.
Bambolim- Goa, aged
46 years, Indian National,
resident of House No.188,
Kakoda- Curchorem,
Goa (403 706)

Versus

- 1 STATE OF GOA, through
its Chief Secretary,
having Office at
Secretariat, Porvorim,
Bardez- Goa.
- 2 THE DEAN, GOA MEDICAL
COLLEGE, having Office
at Bambolim- Goa.
- 3 GOA PUBLIC SERVICE
COMMISSION, through its
Member Secretary, having
Office at EDC House, Panaji –
Goa. ... Respondents

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

Shri S. Dhargalkar, Additional Government Advocate for the respondent nos.1 and 2.

Shri D. Lawande, Additional Advocate General with Ms. P. Bhandari, Additional Government Advocate for the respondent no.3.

Shri Ryan Menezes, Advocate for the intervenor.

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

Date:- 14th September, 2016

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

Heard Shri D. J. Pangam, learned Advocate appearing for the petitioner, Shri D. Lawande, learned Additional Advocate General appearing for the respondent nos.1,2 and 3 and Shri Ryan Menezes, learned Advocate for the intervenor.

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

3. Upon hearing of the learned Counsel for the petitioner as well as Shri D. Lawande, learned Additional Advocate General for the respondents the grievance of the petitioner at this stage is that the respondent no.3 has illegally returned the requisition by

the respondent nos.1 and 2 dated 24/09/2015 to conduct the DPC in respect of the concerned Department. It is the contention of Shri Pangam, learned Counsel appearing for the petitioner that the respondent no.3 could not return the requisition and as such according to him, grave injustice would be caused to the petitioner. Shri Ryan Menezes, learned Counsel appearing for the intervenor submits that the name of the intervenor should also figure in the list submitted by the respondent no.1. Shri D.Lawande, learned Additional Advocate General submits that in case the requisition is sent by the State Government to the respondent no.3, the exercise of calling the DPC shall be conducted expeditiously as per the directions of this Court. Shri Pangam, learned Counsel appearing for the petitioner states that the name of the intervenor also figured in the list submitted by the respondent no.1. Consequently, the grievance of the intervenor would not survive.

4. In such circumstances, we dispose off the petition by directing the respondent no.1 to send a fresh requisition in respect of the subject posts to the respondent no.3 and the respondent no.3 shall in turn expeditiously call the DPC meeting to make the recommendation in accordance with law. The respondent nos.1 and 3 are directed to ensure that the

whole exercise of making such recommendation is completed within a period of three months from today.

5. Rule stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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