

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITIONS NO. 867 & 1017/2015****WRIT PETITION NO. 867/2015**

VALPOI SHIKSHAN VIKAS MANDAL,
REP. BY ITS CHAIRMAN
MR. BALKRISHNA Y. SAWANT AND ANR. PETITIONERS.

V/S.

STATE OF GOA,
THROUGH ITS CHIEF SECRETARY
AND 10 OTHERS. RESPONDENTS.

Mr. Shivan Desai, Advocate for the petitioners.

Mr. A.N.S. Nadkarni, Advocate General with Mr. M. Salkar,
Government Advocate for the respondents 1 to 3.

Mr. J.A. Lobo, Advocate for the respondents No.4 to 11

WRIT PETITION NO. 1017/2015

VALPOI SHIKSHAN VIKAS MANDAL
KHADKI, THROUGH ITS
GENERAL SECRETARY SHRI
SUBHASH NAIK & 7 OTHERS PETITIONERS.

V/S.

STATE OF GOA,
THROUGH THE CHIEF SECRETARY
AND 8 OTHERS. RESPONDENTS.

Mr. J.A. Lobo, Advocate for the petitioners.

Mr. A.N.S. Nadkarni, Advocate General with Ms N. Kholkar, Additional Government Advocate for the respondents No.1 and 2.

Mr. Shivan Desai, Advocate for the respondents No.3 to 9.

**CORAM :- F.M. REIS &
K.L. WADANE, JJ.**

Date : - 04/01/2016

P. C. :-

Heard Mr. Shivan Desai, learned Counsel appearing for the petitioners No. in WP No. 867/2015 and for the respondents No.3 to 9 in WP No. 1017/2015; Mr. J.A. Lobo, learned Counsel appearing for the petitioners in WP No.1017/15 and for the respondents No. 4 to 11 in WP No.867/2015; Mr. A.N.S. Nadkarni, learned Advocate General appearing for the respondents No. 1 to 3 in WP No.867/2015 and for the respondents No. 1 and 2 in WP No.1017/2015.

2. By consent of the learned Counsel appearing for the parties, a common order is passed in both the above writ petitions, as it is not in dispute that considering the nature of the grievances raised by the petitioners, the above petitions can be finally disposed of by a

common order.

3. The main grievance of Mr. J.A. Lobo, learned Counsel appearing for the petitioners in WP No.1017/2015 is that the impugned order dated 7th September, 2015 passed by the respondent No.2 was without giving a hearing to the petitioners. Mr. Shivan Desai, learned Counsel appearing for the petitioners in WP No.867/2015 submits that the petitioners are not averse to the respondent No.2-District Registrar (North) re-examining the grievances of the parties, but, however, according to him, any decision taken by the respondent No.2 would be binding on the Director of Education -Respondent No.2 (Writ Petition No. 867/2015).

4. Mr. A.N.S. Nadkarni, learned Advocate General submits that the respondent No.2-District Registrar (North) shall examine afresh the objections for approval dated 4th August, 2014 filed by the petitioners, as well as the objections raised by the respondents No.3 to 9, in WP No.867/2015, as also the communications dated 30/7/2014 submitted to the respondent No.2-District Registrar by the petitioner in WP No.1017/2015.

5. In the peculiar facts and circumstances of the case, considering that the impugned order dated 7/9/2015 came to be passed without hearing the petitioners in WP No.1017/2015, we find it appropriate to quash and set aside the said order dated 7/9/2015 and remand the matter to the respondent No.2-District Registrar (North) to re-examine the grievances of the petitioners afresh, after hearing all the concerned parties, in accordance with law. Needless to say, any decision taken by the respondent No.2-District Registrar (North) shall be given effect by the Director of Education. The parties are directed to appear before the respondent No.2 on 6th January, 2016 at 10.00 a.m. The respondent No.2 shall take a decision with regard to the grievances of the parties within three weeks thereof.

6. The petitions stand disposed of in the above terms. All contentions of both the parties, on merits, are left open.

K.L. WADANE, J.

F.M. REIS, J.

ssm.