

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 44 OF 2016

MR.RAJIV KORDE AND 2 ORS.,	... Petitioners
Versus	
STATE OF GOA, THROUGH CHIEF SECRETARY AND ANR.,	... Respondents

Mr. Anthony Joe D'silva, Advocate for the petitioners.
Mr. D. Lawande, GA for respondent nos. 1 and 2.

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

Date:- 1st February, 2016

P.C.

1. Heard Mr. A. D'silva, the learned counsel appearing for the petitioners and Mr. D.Lawande, the learned Government Advocate appearing for the respondent nos. 1 and 2.

2. Upon hearing the learned counsel appearing for the respective parties, the main apprehension of the petitioners is that though they have been working as Food Inspectors in the concerned department, nevertheless in view of the requirements specified in column no.8 i.e. persons appointed as Food Inspector having qualification prescribed under the Prevention of Food Adulteration Rules, 1955 or as Local Health Authority shall be eligible for appointment as Designated Officer subject to fulfilling the conditions as specified in column (11), the petitioners may not be considered for promotion.

3. Mr. Lawande, learned Government Advocate appearing for the

respondent nos.1 and 2 has placed on record a copy of the recommendation, which inter alia discloses that the petitioner no.1 is in the zone of consideration, and has already been recommended as meeting the eligibility criteria. The learned Government Advocate further points out that the clause 8 of the said Rule clearly qualifies as far as education qualification of the promotees. In such circumstances, the apprehension of the petitioners that they may not be considered based on the said Rule does not subsist. Mr. Lawande, the learned Government Advocate appearing for the respondent nos. 1 and 2 has produced a copy of the said recommendation on record, which is marked as "X" for identification.

4. Shri D'Silve, learned counsel appearing for the petitioners, as such, points out that the petitioners wish to withdraw the above writ petition with liberty to challenge the Rules, if so advised, in accordance with law.

5. Thus, the petition stands dismissed as withdrawn with liberty as sought keeping all the contentions of the petitioners open.

K. L. WADANE, J.

F. M. REIS, J.

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