

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITIONS NO. 425, 433, 544, 688, & 951 OF 2016

WRIT PETITION NO. 425/2016

1. Kishan D. Kalangutkar,
House No.273/A, Naika Vaddo,
Verla, Canca, Bardez, Goa.

2. Devidas M. Gaude,
Kharyabhat, Adcona,
Banastarim, Ponda, Goa.

3. Gautam U. Naik Desai,
Satemol, Gaondongri,
Canacona, Goa.

..... Petitioners.

Versus

1. State of Goa,
through its Secretary,
Public Works Department,
with Office at Secretariat,
Porvorim, Bardez, .

2. Principal Chief Engineer,
Public Works Department,
Altinho, Panaji, Goa.

..... Respondents.

Mr. S. D. Lotlikar, Senior Advocate with Mr. C. Padgaonkar, Advocate
for the petitioners.

Mr. Dattaprasad Lawande, Advocate General with Ms. Purna Bhandari,
Additional Govt. Advocate for the respondents.

WRIT PETITION NO. 433/2016

Sameer A. Shet Arsekar,

House No.50,
Kamarkhand Kirlapal,
Dabal, Sanvordem, Goa.

..... Petitioner.

Versus

1. State of Goa,
through the Chief Secretary
Porvorim, Bardez, Goa.

2. Principal Chief Engineer,
Public Works Department,
Altinho, Panaji, Goa.

..... Respondents.

Mr. S. D. Lotlikar, Senior Advocate with Mr. C. Padgaonkar, Advocate
for the petitioners.

Mr. Dattaprasad Lawande, Advocate General with Ms. Susan Linhares,
Additional Govt. Advocate for the respondents.

WRIT PETITION NO. 544/2016

1. Anita Milagrina Cardozo e Pires,
married, major of age,
House No.520/A,
Dialgona Navelim, Salcete, Goa.

2. Lavy Livia Carvalho,
married, major of age, House No.214,
Sinquerim,
Navelim, Salcete, Goa 403 707

3. Reshma N. Kamali,
married, major of age,
House No.8/K/4, Dicarpale,
Navelim, Salcete, Goa.

..... Petitioners.

Versus

1. State of Goa,
through its Secretary,

Public Works Department,
with Office at Secretariat,
Porvorim, Bardez, Goa.

2. Principal Chief Engineer,
Public Works Department,
Altinho, Panaji, Goa.

..... Respondents.

Mr. S. D. Lotlikar, Senior Advocate with Mr. C. Padgaonkar, Advocate
for the petitioners.

Mr. Dattaprasad Lawande, Advocate General with Mr. R. Shivolkar,
Additional Govt. Advocate for the respondents.

WRIT PETITION NO. 688/2016

1. Chaitan Nandu Alornekar,
House No.223/9, Plot No.1-A,
Housing Board Colony,
Ganesh Puri, Mapusa, Goa.

2. Medharth Gajanan Kenaudekar,
Resident of House No.760/19,
Near Chubby Cheeks Primary School,
Wadakade, Alto-Porvorim, Goa.

..... Petitioners.

Versus

1. State of Goa,
through its Secretary,
Public Works Department,
with Office at Secretariat,
Porvorim, Bardez, Goa.

2. Principal Chief Engineer,
Public Works Department,
Altinho, Panaji, Goa.

..... Respondents.

Mr. S. D. Lotlikar, Senior Advocate with Mr. C. Padgaonkar, Advocate
for the petitioners.

Mr. Dattaprasad Lawande, Advocate General with Mr. P. Dangui,
Government Advocate for the respondents.

WRIT PETITION NO. 951/2016

Elfa Carvalho, House No.500/1,
Bagwada, Rivona, Goa.

..... Petitioner.

Versus

1. State of Goa,
through its Secretary,
Public Works Department,
with Office at Secretariat,
Porvorim, Bardez, Goa.

2. Principal Chief Engineer,
Public Works Department,
Altinho, Panaji, Goa.

..... Respondents.

Mr. S. D. Lotlikar, Senior Advocate with Mr. C. Padgaonkar, Advocate
for the petitioners.

Mr. Dattaprasad Lawande, Advocate General with Ms. Linhares,
Additional Govt. Advocate for the respondents.

**CORAM :- F.M. REIS &
PRITHVIRAJ K. CHAVAN , JJ.**

Date : - 22/06/2017.

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

All the above petitions are taken up together by
consent of the learned Counsel, as it is not in dispute that the

issues involved in all the petitions are identical.

2. Heard Mr. S. D. Lotlikar, Senior Advocate appearing for the petitioners and Mr. Dattaprasad Lawande, learned Advocate General appearing for the respondents.

3. Rule. Learned Counsel appearing for the respondents waives service. Heard forthwith, with the consent of the learned Counsel.

4. During the course of hearing of the above petitions, it was pointed out by Mr. Lotlikar, learned Senior Counsel appearing for the petitioners that the reliefs sought by the petitioners are based on a Judgment passed by this Court in the case of *Anil Barmu Patil vs. State of Goa and another*, Writ Petition No.7 of 2014, disposed of on 7th May, 2014. The learned Senior Counsel submits that all the petitioners in the above writ petitions were selected in the same recruitment process, which was the subject matter of the said petition wherein reliefs have been granted, directing the respondents to issue the order of appointment to the

petitioner therein. The learned Senior Counsel further submits that there is no reason to refuse the reliefs to the petitioners herein as, according to him, the petitioners had already received offers of appointments subject to complying with the other formalities, such as medically fitness certificate, etc.. The learned Senior Counsel, as such, submits that for the reasons recorded in the said Judgment, identical reliefs be granted in favour of the petitioners herein.

5. On the other hand, Mr. Dattaprasad Lawande, learned Advocate General appearing for the respondents, has submitted that the petitioners were in the waiting list and as such, not entitled for similar reliefs. But, however, Mr. Lotlikar, learned Senior Advocate has brought to our notice that the subject-advertisement clearly shows that the select list was intended to be utilised for vacancies which would arise in future. In such circumstances, the contention of the learned Advocate General that the advertisement was restricted to only the posts available in terms of the advertisement cannot be accepted.

6. Be that as it may, undisputed facts disclose that the

facts in the present petitions are identical to the facts in Writ Petition No. 7/2014, disposed of by this Court on 7th May, 2014. As such, there is no reason to refuse identical reliefs to the petitioners in the facts and circumstances of the case.

7. Mr. Lotlikar, learned Senior Counsel has also brought to our notice the subsequent Judgments passed by this Court in Writ Petition No.470/2015 disposed of on 10th September, 2015, Writ Petition No. 152/2015 disposed of on 12th August, 2015 wherein similarly placed petitioners were granted similar reliefs.

8. In such circumstances, for the reasons stated in the Judgment passed in Writ Petition No.7/2014, disposed of on 7th May, 2014, we find that the petitioners are entitled for the similar reliefs in the present petitions, in peculiar facts and circumstances of the case qua the petitioners only.

9. In view of the above, we pass the following :

O R D E R

(I) The respondents are, accordingly, directed to issue the

orders of appointment to the petitioners after complying with all other legal formalities, in accordance with law, within a period of six weeks from today.

(II) The petitioners shall not be entitled for any back wages or any other benefit for the period prior to the date of such appointments.

(III) Rule is disposed of in the above terms.

(IV) No costs.

PRITHVIRAJ K. CHAVAN, J.

F.M. REIS, J.

ssm