

Amrut

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 699 OF 2017**

**SANDHYA S. PATIL**

aged 30 years, Indian National, resident of  
House No.B/8/C, GEC Campus, ITI Road,  
Farmagudi, Ponda Goa 403 401.

**... PETITIONER**

**~ VERSUS ~**

**1. DIRECTOR OF  
PROVEDORIA,**

having office at Institute of Public  
Assistance, Provedoria, Mala, Panaji  
Goa.

**2. STATE OF GOA,**

through its Chief Secretary, having  
office at Secretariat, Porvorim, Goa.

**... RESPONDENTS**

**APPEARANCES**

**FOR THE PETITIONER**

**Mr D Pangam, Advocate**

**FOR THE RESPONDENT**

**Mr Dattaprasad Lawande, Advocate**  
*General with Mr P Faldessai,*  
*Additional Government Advocate*

**CORAM : G.S.Patel &  
Nutan D. Sardessai, JJ.**

**DATED : 22nd August 2017.**

**ORAL JUDGMENT (per G.S. Patel J)**

1. Heard. Rule. Returnable forthwith. By consent, taken up for hearing and final disposal. The Respondents waive service.

2. The Respondent No 1 issued an advertisement on 15th June 2013 for six posts of male and female stewards. The Petitioner being eligible, she applied. A written test was held on 13th July 2014. The Petitioner passed. Oral interviews followed on 20th August 2015. Of the seven posts, four were in the general category, one each was reserved for Scheduled Tribes, the physical disabled and for children of freedom fighters. A select list was issued. The Petitioner was at serial No.7, and first on the waiting list. Offers of appointment were issued to first six candidates. Three candidates did not take up these offers. The Petitioner being first on the waiting list, she was offered an appointment letter on 1st December 2015. She accepted this on 8th December 2015 and submitted the necessary documents. Later that month she completed her medical examination, and on 4th January 2016 she was issued a certificate of medical fitness.

3. Now comes the curious part. For the next 11 months, nothing happened. The Petitioner made a representation on 18th November 2016 to the Chief Secretary of the Vigilance Department. On 11th January 2017 the Vigilance Department wrote to the Director of the Institute of Public Assistance seeking a para-wise reply to the Petitioner's complaint. There was no response to this.

4. We are unable to see any reason why a letter of appointment ought not to have been issued to the Petitioner. There is no dispute

that she was first on waiting list. There is no dispute that on the three of the persons declining to take the offers, of which two certainly were from the general category, the Petitioner would be entitled not only to an offer but to a letter of appointment. In fact an offer was made to the Petitioner, one that she accepted. It seems that only the administrative or ministerial act of issuing the letter of appointment remained.

5. We are inclined to allow the petition at the stage of admission. We make it absolute in terms of prayer clause (A) which reads thus:

"(A) This Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, commanding the Respondents to issue Appointment order to the Petitioner to the post of Steward in terms of the Offer of Appointment vide Memorandum dated 1/12/2015 ( ANNEXURE "F" to the Petition)."

6. Mr Lawande, learned Advocate General, assures us that the necessary appointment order will be issued within two weeks from today.

7. The petition is disposed of in these terms. No costs.

**NUTAN D. SARDESSAI J.**

**G. S. PATEL J.**