

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITIONS NO. 468, 469, 643 OF 2015.****WRIT PETITION NO. 468/2015**

1. Sachin R. Pawar,
resident of LIF 466,
Rumdamol, Housing Board Colony,
Davorlim, Navelim, Goa.

2. Satish L. Kunkolkar,
House No.499, Govle Bhat,
Chimbel Tiswadi,

3. Subodh M. Nagvekar,
402, Paithona, Salvador-do-Mundo,
Bardez, Goa.

..... Petitioners.

Versus

1. State of Goa, through the
Chief Secretary, 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. A. Prabhudesai,
Additional Govt. Advocate for the respondents.

WRIT PETITION NO. 469/2015

1. Nikhil Bondre,
House No.104/15,
Taliwada, Mapusa, Bardez, Goa.

2. Santosh Gaonkar,
resident of House No.137,
Mauxi, Valpoi, Sattari, Goa.

3. Navnath P. Kalangutkar,
Shivolkarwada,
Mulgaon, Bicholim, Goa.

4. Dadu G. Hedge,
Resident of House No.33/4,
Mollem Dharbandora, Goa.

5. Mohan U. Murgaonkar,
Resident of House No.119-A,
Santismo Oliem Bhat, Taleigao, Goa. Petitioners.

V/s.

1. State of Goa,
through the Chief Secretary.

2. Principal Chief Engineer,
Public Works Department. 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. 643/2015

Ms. Deepti Venkatesh Naik,
resident of House No.26,
Near Church, Cavellossim, Salcete, Goa. Petitioner.

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 Mr. P. Dangui,
Government 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. 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 subject to 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 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.

4. 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 the vacancies which would arise in future. In as 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.

5. Be that as it may, undisputed facts disclose that the facts in the present petitions are identical to the facts in the Writ Petition No. 7/2014, disposed of by this Court on 7th May, 2014. There is no reason to refuse the identical relief to the petitioners in the facts and circumstances of the case.

6. Mr. Lotlikar, learned Senior Counsel has also brought to our notice 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.

7. 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.

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

O R D E R

(I) The respondents shall issue letters of appointment to the petitioners after complying with all other legal formalities, in accordance with law, within a period of four 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 their appointments.

(III) The reliefs granted are in peculiar facts and circumstances of the case and qua the petitioners only.

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

(V) No costs.

PRITHVIRAJ K. CHAVAN, J.

F.M. REIS, J.

ssm