

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.905 OF 2017

MANAGING COMMITTEE

Keerti Vidyalaya High School,
Represented by its Chairman
Shri Rajesh Vaingankar,
Siolim, Bardez Goa.

... PETITIONER

~ VERSUS ~

1. STATE OF GOA

Through the Chief Secretary,
Porvorim Goa

**2. DIRECTOR OF
EDUCATION,**

Directorate of Education,
Porvorim Goa

3 SURYAKANT B. NAIK

Major of age, (not known),
Son of Shri B. Naik
Siolim, Bardez Goa.

... RESPONDENTS

APPEARANCES

FOR THE PETITIONER

Mr Gaurish Agni, Advocate

**FOR THE RESPONDENT NOS 1
& 2**

Mr Dattaprasad Lawande,
Advocate General with Ms N
Kholkar, Additional
Government Advocate

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

DATED : 11th October 2017.

ORAL JUDGMENT (per G.S. Patel J)

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

2. On instructions, Mr Lawande states that the 2nd Respondent, the Director of Education will convey his decision on the inquiry report after fully hearing all sides concerned by 31st December 2017. That report recommends the imposition of a major penalty and this evidently has serious consequences to the 3rd Respondent. This is the reason why we are inclined to grant an extension of a slightly longer period of time. Evidently this means that the 3rd Respondent cannot, in the meantime, be reinstated. He is presently on suspension and has been on suspension for some time, with periodic extensions. Necessarily, that will have to continue till the 2nd Respondent takes his decision, and if the decision is against the Petitioner, for a period of two weeks thereafter. The reason is obvious. If the reinstatement is ordered even pending the 2nd Respondent's decision, then the entire process of confirming the report and recommendation, and the adjudication process involved in it and the fairness of the procedure, might well be irredeemably compromised. That will only complicate the matters.

3. For this reason, we direct that there will be no reinstatement till the decision is taken and for a period of two weeks thereafter if it is against the Petitioner's recommendation.

4. The petition is disposed of. Rule is made partly absolute in these terms. No order as to costs.

NUTAN D. SARDESSAI J.

G. S. PATEL J.