

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 866 OF 2015

SHRI YESHWANT CHANDRAKANT
SHETGAONKAR.

... Petitioner

Versus

THE STATE OF GOA, THROUGH ITS
CHIEF SECRETARY, GOVT. OF GOA AND
2 ORS.,

... Respondents

...
Mr. S. S. Kantak, Senior Advocate with Mr. P. Talaulikar, Advocate for the
Petitioner.

Mr. D. Lawande, Addl. Advocate General with Mr. A. Gomes, Addl.
Government Advocate for Respondent nos. 1 and 2.

Mr. Amir Jamadar, Advocate holding for Mr. N. Pai, Advocate for the
Respondent no. 3.

Coram:- **DR.MANJULA CHELLUR, CJ &**
F. M. REIS, JJ.

Date:- **27th January, 2017**

P.C.

1 The background in which the present petition is presented is as
under:-

The petitioner was a successful candidate in the first selection
process conducted for the Goa Civil Services in the year 2014 after the
advertisement in the year 2013. However, this advertisement came to be
abandoned/cancelled by the Government on 10th December 2014. The
reason for abandonment was technical glitch which appeared with regard to
Part A of the first paper.

2 The said examination apparently consisted of two papers with total marks of 250. While removing the answer sheet from the first page of the answer sheet to keep the confidentiality so far as Roll number and the name of the candidate, on account of using carbon paper during the printing process, the name and the Roll number of the candidate came to be printed (carbon copy) on the answer sheets. This was only Part A paper. Be that as it may, the fact remains that as indicated on page 94 dated 10th November 2014 at Annexure B, cancellation of 2013 examination was for the reason clearly spelt out in paragraph no.1 of the letter dated 10th November 2014. Paragraph no.2 refers to certain modifications/challenges with regard to the nature of the post and also procedure of written examination as advised by the Department (Personnel) to Government of Goa through its Under Secretary.

3 Admittedly, as fairly admitted by learned Senior Counsel arguing for the petitioner, the petitioner did not challenge cancellation of 2013 selection process immediately after its cancellation. He challenged the same only after the completion of the second selection process, that too, after he was not selected in the second selection process. Though learned counsel for the petitioner refers to non-compliance of certain conditions referred to at second paragraph of letter dated 10th January 2014, there is no challenge as such, pointing out said non-compliance.

4 In the absence of any challenge to the second selection process for non-compliance of advice referred to in paragraph no.2 of letter dated 10th November 2014, we are of the opinion that we cannot entertain so far as alleged laches.

5 So far as first Part, i.e. cancellation of the selection process is concerned, in the light of the fact that the petitioner without challenging the cancellation, appeared in the selection process conducted later on, and challenges the first selection process after not being selected in the second selection process, the same cannot be entertained. Now remains grounds in second paragraph of letter dated 10th November 2014 to be challenged in a fresh petition.

6 In that view of the matter, we dispose of the Writ Petition accordingly.

7 All contentions are kept open so far as non-compliance of directions said to be advised in second paragraph of letter dated 10th November 2014 in respect of second selection process.

(F. M. REIS, J.)

(CHIEF JUSTICE)