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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.1083 OF 2017

WENDY GRACE MASCARENHAS

E DE SA, of major age,
Indian National, resident
of House No.908, Maddant,
Cortalim-Goa-403 710.

... Petitioner

Versus

1. THE DIRECTOR OF PROVEDORIA,
Institute of Public
Assistance Provedoria,
having office at Mala,
Panaji-Goa.

2. STATE OF GOA, through its
Chief Secretary, having
Office at Secretariat,
Porvorim, Bardez-Goa.

.... Respondents

Mr. D.Pangam, Advocate for the Petitioner.

Mr. Sagar Dhargalkar, Additional Government Advocate for
Respondent Nos.1 & 2.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 12 December 2017.

ORAL JUDGMENT (Per N.M.Jamdar, J) :

Rule. Rule made returnable forthwith. Respondents waive service. Taken up for disposal.

2. The Petitioner has approached this Court with a prayer that Respondents should issue an appointment order which is not being issued inspite of the Petitioner being selected as far as back as on 11 September 2015.

3. On 15 June 2013, the Respondent issued an advertisement for the posts of Stewardess. The Petitioner applied for the said post. She was called for the written test on 25 June 2014, which the Petitioner cleared in July 2014. A call letter was issued to the Petitioner on 12 August 2015 to attend the oral interview. The Petitioner was selected on 20 August 2015 and on 11 September 2015 the Petitioner was offered an appointment. The Petitioner, in the mean while, was selected as a Anganwadi Worker in ICDS, Mormugao which offer, because of the appointment to the post of Steward, the Petitioner refused. The Petitioner approached various Public Authorities in respect of her appointment. Since she was not given the same, filed the present Petition.

4. The learned counsel for the Petitioner relied upon a judgment passed by the Division Bench of this Court in *Sandhya S. Patil v Director of Provedoria & Anr.*,¹ wherein the facts and circumstances were identical. This petition also pertains to the same selection process and there also the Petitioner was not given an appointment for 11 months. The Division Bench allowed the Writ petition and directed the very same Respondent No. 1 to appoint Petitioner therein. Therefore, when the present petition came up on board on 6 December 2017, we found that there was no explanation coming forth, we passed the following order:

- “Heard learned Counsel for the Petitioner.*
- 2. Prima facie, we find that there is absolutely no reason for not extending to the Petitioner the same relief granted to the similarly situated candidate by this Court in Writ Petition No.699/2017. Prima facie, we are of the opinion that the Petitioner needs to be compensated by the concerned Respondents/Authority, unless cogent reason is shown.*
 - 3. Stand over to 12 December 2017.*
 - 4. High on board.”*

5. The learned Additional Government Advocate, states that he will file a reply. We had already given one week time to show reason. No reason is shown by the State. We cannot delay the matter any further, considering the prejudice to the Petitioner. The learned

¹ WP No.699 of 2017 (Patel & Sardesai, JJ)

Additional Government Advocate on instructions of Shri Vinayk Prabhakar Volvoikar, Director of Respondent no.1 states that the delay in issuing appointment order is not intentional and that the Respondent no.1 is ready to issue appointment order within a week. To a specific query to the learned Additional Government Advocate to show us if the Petitioner does not deserve to be appointed, he submitted that there is no such reason. That the Respondent must issue an order of appointment within one week, we have no doubt. What we are concerned with is the larger issue, that is of governance.

6. When in the identical circumstances, the Division Bench of this Court had allowed the petition and had directed the very same Respondent to give an appointment orders to the Petitioners therein, making strong observations, then at least the Respondent No.1 should have taken a clue and issued an appointment order to the Petitioner, by himself. This was not done. Every identically situated candidate should not be forced to approach the Court. The Petitioner is waiting for an appointment order for more than two years. She has stated that, in the meanwhile she has lost her husband and has a minor daughter to maintain. She relinquished the other job offer. The Respondent No.1 seems to be completely oblivious to the hardships citizens face. No reason whatsoever placed on record for which an opportunity was given to the Respondents. If the delay is

not intentional, then it is even worse as it shows callousness on the part of the Respondent No.1. Therefore, only the petition needs to be allowed, but with costs commensurate to expenses, so that it serves as a deterrent.

7. Accordingly, Writ Petition is allowed in terms of prayer clause (A). Respondent no.1 to issue appointment order to the petitioner within a period of one week. Respondent no.1 shall pay costs of Rs.20,000/- to the Petitioner within a period of two weeks. We make it clear that we have imposed the costs on the Respondent No.1 alone.

Prithviraj K. Chavan

N.M. Jamdar, J.