

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 130 OF 2018

NALINI NAIK.,

... Petitioner

Versus

THE STATE OF GOA, THR. THE CHIEF
SECRETARY, GOVT. OF GOA AND 4
ORS.,

... Respondents

Mr.S.D.Lotlikar, Sr.Advocate with Mr. C.Padgaonkar, Advocate
for the petitioner.

Mr.Dattaprasad Lawande with Mr.P.Faldessai, AGA for
respondents no.1 and 2.

Mr. Pankaj P. Pai Vernekar and Mr.A.Sawant, Advocates for
respondent no.3.

Coram:- SHANTANU S. KEMKAR &
PRITHVIRAJ K. CHAVAN, JJ.

Date:- 29th January 2018

P.C.

At the outset, it has been stated by the learned Advocate General that since before granting the impugned NOC vide order dated 6.9.2017, the petitioner has not been afforded an opportunity of hearing, as provided under sub-sections (3) and (4) of Section 11 of the Goa Education Act 1984 and Rule 1986, the Director of Education may be permitted to withdraw the impugned order dated 6.9.2017. The prayer is accepted. The impugned order stands quashed, as withdrawn. As a consequence, we also set aside the suspension order dated 21.8.2017 as also order dated 7.9.2017 issued by respondent no.3 - Madkaikar Navchaitanya High School, Corlim. The said orders

also stand quashed.

2. It is made clear that the orders are quashed only on the ground that there is violation of Sub Section (3) and (4) of Section 11 of the Goa Education Act 1984 and Rule 1986 and that we have not gone into the merits of the matter. As regards other reliefs in the petition, we keep all the contentions of the parties open in that respect to be raised before the appropriate forum at appropriate stage. However, quashing of the aforesaid orders will not preclude respondent no.3 from proceeding afresh against the petitioner in accordance with law.

3. As result of quashing of orders, consequences will follow.

4. Petition is disposed of with the aforesaid liberty and observations.

PRITHVIRAJ K. CHAVAN, J. SHANTANU S. KEMKAR, J.
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