

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 26 OF 2019

Managing Committee
 Keerti Vidyalaya High School ... Petitioner
 Versus
 State of Goa, through the
 Chief Secretary and 2 Ors. ... Respondents

Mr. Gaurish N. Agni, Advocate for the Petitioner.
 Mr. Pravin Faldessai, Additional Government Advocate for the
 Respondent Nos.1 and 2.
 Mr. Ashwin D. Bhobe with Ms. K. Govenkar, Advocate for the
 Respondent No.3.

WITH
WRIT PETITION NO. 25 OF 2019

Managing Committee
 Keerti Vidyalaya High School ... Petitioner
 Versus
 State of Goa, through the
 Chief Secretary and 2 Ors. ... Respondents

Mr. Gaurish N. Agni, Advocate for the Petitioner.
 Mr. Pravin Faldessai, Additional Government Advocate for the
 Respondent Nos.1 and 2.
 Mr. Ashwin D. Bhobe, Advocate for the Respondent No.3.

Coram : S.C. Gupte, &
Prithviraj K. Chavan, JJ.

Date : 20th June, 2019.

P.C. :

These two petitions filed by the Management of Keerti

Vidyalaya High School, Siolim, concern, respectively, the services of Respondents No.3 in the two petitions, who are incidentally husband and wife. Respondent No.3 in Writ Petition No.25 of 2019 was working as a Headmaster of the school run by the Petitioner-Management, whilst Respondent No.3 in Writ Petition No.26 of 2019 was working as an Upper Division Clerk in the school. Disciplinary proceedings were initiated against both Respondents by the Management, wherein the Inquiry Officer found both Respondents to be guilty of the charges framed against them.

2. When the matter went to the Director of Education for his approval under Rule 97 of the Goa, Daman and Diu School Education Rules, 1986 (since the proposed punishment was a major punishment within the meaning of those Rules), the Director did not approve of the major penalty of dismissal from service, but directed that the punishment be reduced to compulsory retirement in case of the Headmaster, and regularization of the suspension period in case of the Upper Division Clerk. Both these orders are challenged by the Management in these two petitions.

3. After the matter is heard at some length, it is agreed between learned Counsel for the Management and for the two employees that the impugned order of the Director, as well as the

acceptance of the Inquiry Officer's report, and the proposal of major penalty on the part of the Management, based on such report, be set aside, and both matters be remanded to the Inquiry Officer for further proceedings in inquiry.

4. Accordingly, both the impugned orders of the Director dated 29.12.2017, as well as the impugned recommendations of the Petitioner-Management dated 05.09.2017, are quashed and set aside, and the matters are remanded to the Inquiry Officer for further proceedings in inquiry. The petitions are disposed of in the aforesaid terms. All rights and contentions of the parties on merits, are kept open.

5. Needless to add, that since the matters are remanded to the stage of inquiry, the report of the Inquiry Officer also may be treated as set aside, keeping all contentions of the parties open.

6. In case the Petitioner-Management owes any dues, particularly consisting of the subsistence allowance payable to either of the two Respondents, the Management will have to clear the same within three weeks from today.

Prithviraj K. Chavan, J.

S.C. Gupte, J.

*Dv**