

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 645 OF 2019**

Shri Soumitra Vishnu Chari,
Son of Vishnu Chari
age 34 years, Indian National,
r/o H.No.115/2, Deulwada,
Shirgao, Bicholim,
North Goa, 403 503.

... Petitioner

Versus

1. State of Goa,
Through Chief Secretary,
having office at Secretariat,
Porvorim, Bardez Goa.
2. Principal Chief Conservator of Forest
having its office at Forest Department,
1st Floor,
Gomantak Maratha Samaj Building,
Panaji Goa.
3. Deputy Director (Administration)
having its office at Forest Department,
1st Floor,
Gomantak Maratha Samaj Building,
Panaji Goa.
4. Mr. Kushal Purushottam Aiyer,
House No.188,
Ambikanagar, Bhamai, Palisade Goa,
403 105.

... Respondents

Mr. Nihal Kamat, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Ms. Correia Maria Simone

Judith, Addl. Government Advocate for Respondent Nos.1, 2 & 3.
Mr. Sarvesh Kamat Malyeker, Advocate for Respondent No.4.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.
Date:- 16th September, 2019**

Oral Judgment (Per M. S. Sonak, J)

Heard Mr. Nihal Kamat, learned counsel for the Petitioner, Mr. D. Pangam, learned Advocate General for Respondent Nos.1, 2 and 3 and Mr. S. Kamat Malyeker, learned counsel for Respondent No.4.

2. Rule. Rule is made returnable forthwith with the consent and at the request of the learned counsel for the parties. Learned counsel for the respective Respondents waive service.

3. In this case, the candidature of the Petitioner came to be cancelled on the ground that the Petitioner had failed to make complete and correct disclosure with regard to the pendency of criminal proceedings and conviction recorded against the Petitioner.

4. According to us, without going into the controversy as to the factum of suppression, if any or the magnitude of suppression, if any, it would be appropriate if the Respondent Nos.1, 2 and 3 are directed to reconsider the matter in the light of

the decision of the Hon'ble Apex Court in the case of ***Avtar Singh Vs Union of India***¹.

5. We make it clear that at this stage we are not interfering with the order cancelling the candidature of the Petitioner. But we are merely directing the Respondents to reconsider this issue in the light of the rulings of the Hon'ble Apex Court in the case of ***Avtar Singh*** (supra).

6. Mr. D. Pangam, learned Advocate General states that prior to such consideration, the Petitioner will be afforded opportunity of hearing as well. We accept this statement and direct that this reconsideration process is completed within two months from today.

7. All contentions are kept open. Rule is disposed of in the aforesaid terms.

8. All concerned to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

at*

¹ AIR 2016 SC 3598