

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 846 OF 2019

IN

WRIT PETITION NO. 649 OF 2018

PREETI WAMAN LOTLIKAR.,

... Applicant

Versus

GOA MEDICAL COLLEGE, THR. ITS
DIRECTOR (ADMIN) AND 3 ORS.,

... Respondents

Mr. Nigel Da Costa Frias and Mr. G. Malik, Advocates for the
applicant.

Mr. Deep D. Shirodkar, Addl. Govt. Advocate for respondent
nos.1 to 3.

Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.

Date:- 16th September, 2019

P.C.

Heard Mr. Nigel Da Costa, learned Counsel for the applicant
and Mr. D. Shirodkar, learned Addl. Govt. Advocate for the
respondent nos.1 to 3.

2. Looking to the nature of the relief applied for in this MCA,
we are afraid that we will not be in a position to grant the same.
The vacancy which has been now arisen is a fresh vacancy and
merely because the petitioner may have been placed at second
position in the merit list in the previous selection, it will not be
possible to direct the State to absorb the petitioner against this
new vacancy. This application is therefore dismissed. However,

at the request of learned Counsel for the petitioner we clarify that the petitioner is at liberty to apply for it and take part in the selection process for this new vacancy, without prejudice to her rights and contentions in this pending petition. This means that such participation on the part of the petitioner will not be construed as any waiver of right as claimed in this pending petition.

3. With the aforesaid clarification, we dispose of the application.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.