

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.937/2019

MRS. VEENA KAKODKAR
major in age, Indian National,
resident of H.No.667, Kakoda,
Curchorem-Goa.

.... Petitioner

V/s.

1. STATE OF GOA, through the
Chief Secretary, Secretariat,
Porvorim, Bardez, Goa.
2. The Director,
Directorate of Education,
Alto Porvorim, Bardez-Goa.
3. Sarvodaya Educational Society's
High School, through its Chairman,
Sarvodaya High School,
Curchorem Goa.
4. The Headmaster,
Sarvodaya high School,
Curchorem Goa.
5. The Assistant District Educational
Inspector, Directorate of Education,
Sanguem Goa.
6. Smt. Manisha Khadji
alias Avdu Naik,
major in age, Indian National,
C/o Sarvodaya High School,
Curchorem, Goa.

.... Respondents

Mr. Vivek Rodrigues, Advocate for the Petitioner.

Ms. A. Kamat, Additional Government Advocate for Respondents No.1, 2 and 5.

Mr. P. Rao along with Ms. Sandhya Kushawaha, Advocates for Respondent No.3.

Coram:- M.S. SONAK &
SMT. M.S. JAWALKAR, JJ.

Dated:- 17th December, 2019

JUDGMENT (Per M. S. Sonak, J.)

Heard Mr. V. Rodrigues for the petitioner, Ms. A. Kamat, learned Additional Government Advocate for the respondents no.1, 2 and 5 and Mr. Parag Rao for respondent no.3.

2. At the request of Mr. Rodrigues, the name of respondent no.4 is ordered to be deleted from the cause title. In fact, all parties agree that the presence of respondent no.4 is not at all necessary for deciding the issues which arise in this petition.

3. Rule. Rule is made returnable forthwith with the consent and at the request of learned counsel for the parties. The counsel appearing for the respondents waive service.

4. The main grievance of the petitioner is that the respondent no.3

i.e. the school management is not taking steps to convene a DPC for the purpose of considering the case of the petitioner for grant of senior scale in the graduate teacher cadre from 2013 and consequential benefits of the 7th Pay Commission and other statutory benefits which she claims have been denied to her wrongly. The petitioner also complains that the school management is delaying the holding of DPC to fill up the post of headmaster on regular basis. It is the case of the petitioner that she is the senior-most teacher and the delay in conducting the DPC is seriously affecting her right to be considered for the post of headmistress which is vacant since 1st August, 2019.

5. We find that there is on record a communication dated 03.05.2019 addressed by the Director of Education to the school management requiring the school management to hold DPC/DSC meeting immediately in order to consider the case of the petitioner for grant of senior scale in the graduate cadre. Similarly, since there is no dispute that the vacancy of the post of headmaster/ headmistress is indeed arisen on 1st August, 2019, there can really be no justification in not holding a DPC to consider the case of eligible candidates for promotion to the post of headmaster/headmistress.

6. Mr. Rao, learned counsel for the school management tries to point out that there are some issues relating to some attendance or finalization of seniority. According to us, a DPC has to be convened

and the DPC, has to take into consideration the candidature of all the persons coming under the zone of consideration so that promotions can be made on regular basis at the earliest. In this petition, it will really not be appropriate for us to go into the issues which Mr. Rao seeks to raise or Mr. Rodrigues seeks to answer. Our main concern is that the DPC is held within a reasonable period in compliance with requirement of the law as well as the directions of the Director of Education.

7. Accordingly, without going into the issues sought to be raised by Mr. Rao or sought to be answered by Mr. Rodrigues, we direct the school management to take steps to convene DPC for consideration of the case of the petitioner for grant of senior scale in the graduate cadre within a period of four weeks from today. Ms. A. Kamat, learned Additional Government Advocate states that the representative of the Director of Education will also cooperate with the school management, since, such representative is a member of the DPC/DSC.

8. Similarly, we direct the school management to take all steps to convene a DPC for making promotions on regular basis to the post of headmaster which is vacant since 1st August, 2019, within six weeks from today, again, we record the statement of Ms. A. Kamat, learned Additional Government Advocate that the representative of the Director of Education will render the necessary cooperation since, such

representative is a necessary component of the DPC.

9. We make it clear that all contentious issues between the petitioner and respondent no.3 are kept open and nothing in this order may be taken as our decision on such issues.

10. The petition is disposed of in the aforesaid terms.

11. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

12. All concerned to act on the basis of an authenticated copy of this Order.

SMT. M.S. JAWALKAR, J.

M. S. SONAK, J.