

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.900 OF 2019

Goa Cricket Association, Goa
Cricket Academy, through its Hon.
Secretary, Mr. Vipul V. Phadke.

.... Petitioner

Versus

The State of Goa, through the
Chief Secretary and others.

.... Respondents

Mr. S. S. Kantak, Senior Advocate along with Mr. Abhijeet Kamat,
Advocate for the Petitioner.

Mr. D. Pangam, Advocate General along with Mr. Deep Shirodkar,
Addl. Government Advocate for the Respondents 1 to 3.

Mr. Nigel Costa Frias with Mr. G. Malik, Advocates for the intervenor.

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

Date:- 23rd January, 2020

ORAL ORDER (Per M.S. Sonak, J.)

Heard Mr. S. S. Kantak, learned Senior Advocate along with
Mr. Abhijeet Kamat for the petitioner. Mr. D. Pangam, learned
Advocate General along with Mr. D. Shirodkar, Additional
Government Advocate for the respondents.

2. Learned Advocate General, makes a statement that the impugned order dated 04.10.2019 at Exhibit 'L' (page 84) to this petition stands withdrawn and the Hon'ble The Chief Minister, State of Goa will now, dispose of the show cause notice dated 04.02.2019 as also the petitioner's application for regularization after taking into consideration the replies filed by the petitioner to the show cause notice and the documents annexed thereto. The same applies to the application for regularization made by the petitioners and documents annexed thereto.

3. Mr. S. S. Kantak points out that even written submissions have been filed in response to the show cause notice dated 04.02.2019 and in support of the application for regularization. He submits that even the same will have to be considered by the Hon'ble Chief Minister whilst disposing of the show cause notice and the application for regularization. Learned Advocate General states that the same undoubtedly will be taken into consideration whilst disposing of the show cause notice and the application for regularization.

4. Mr. Nigel Costa Frias, the learned counsel for the intervenor points out that in terms of this court's order dated 27.06.2019 in PIL Writ Petition No.19/2017, the intervenor, who was the petitioner in the said PIL and other interested parties were granted liberty to file their objections in the matter and even those objections were directed

to be considered by the State whilst deciding the matter. Mr. Costa Frias points out that the intervenor has already filed objections before the Collector. Accordingly, it is obvious, that these objections of the intervenor as also the objections if any, already filed by any parties, will also have to be considered whilst disposing of the show cause notice and the application for regularization.

5. It is clarified that though, the show cause notice dated 04.02.2019 had been formally issued by the Additional Collector, all parties agree that the same should be treated as a show cause notice having been issued by the State Government itself and accordingly, in terms of the statement now made by the learned Advocate General, the same is being disposed of by the Hon'ble Chief Minister.

6. Since, it was the case of the petitioner that it is the State Government which was required to dispose of the show cause notice as also the application for regularization, it is obvious that now, with the statement that it is the Hon'ble Chief Minister who is going to dispose of the show cause notice and the application for regularization, no objection on this count will survive.

7. Now that the show cause notice and the application for regularization has to be disposed afresh, it is obvious that the interim arrangement ordered by this Court vide its orders dated 02.05.2018

and 27.06.2019 in PIL Writ Petition No.19 of 2017 will continue to operate.

8. Since, the only relief in this petition was for quashing and setting aside the order dated 04.10.2019 which, in terms of the statement made by the learned Advocate General, stands withdrawn, no further orders are necessary in this petition. This petition is accordingly disposed of.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.