

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.507 OF 2022

DIOCESAN SOCIETY OF
EDUCATION REP. BY
SEC. FR. JESUS N.
RODRIGUES

... PETITIONER

Versus

THE STATE OF GOA THR.
THE SECRETARY AND 2
ORS.

... RESPONDENTS

Mr. J.E. Coelho Pereira, Senior Advocate with Mr. Vinod Korgaonkar and Mr. Vilas Pavithran, Advocates for the Petitioner.

Ms. M. Correia, Additional Government Advocate for Respondent Nos.1 & 2.

Mr. Deepak Gaonkar with Mr. A. Salgaonkar, Advocate for Respondent No.3.

**CORAM: M. S. SONAK &
BHARAT P. DESHPANDE, JJ.**

DATE : 9th NOVEMBER 2022

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

1. Heard Mr. J.E. Coelho Pereira, learned Senior Advocate, who appears along with Mr. Korgaonkar for the petitioner. Ms. M. Correia, learned Additional Government Advocate appears for the respondent – State and Mr. Deepak Gaonkar appears for respondent no.3.

2. Mr. Pereira, based on instructions and without prejudice to the rights and contentions of the petitioner, makes a statement that the petitioner will comply with the Director's order dated 23.09.2022 within a week from today and, thereafter, pursue the inquiry/disciplinary proceedings that were already initiated against the respondent no.3. He refers to paragraph 20 of the petition to point out that the inquiry was already concluded and even the inquiry report was accepted by the Disciplinary Authority.

3. Mr. Gaonkar, learned Counsel for respondent no.3 submits that the issue of resignation and inquiry are two different issues. Accordingly, as long as the petitioner complies with the Director's order dated 23.09.2022, within a week from today, the law can take its own course regarding the inquiry or disciplinary proceedings.

4. Accordingly, we accept the statement made by the learned Senior Advocate based on instructions. In terms of the statement the petitioner will have to comply with the Director's order dated 23.09.2022 within a week from today and reinstate the respondent no.3. However, such reinstatement will not preclude the petitioner from going ahead with the disciplinary proceedings from the stage at which they were interrupted due to acceptance of the resignation of respondent no.3. The disciplinary proceedings can always be taken to their logical conclusion subject to all rights and remedies that the parties may take in this regard.

5. Accordingly, this petition is disposed of in the above terms.
There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

NITI K

HALDANKAR

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