

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.551/2022

ARUN NAIK

... PETITIONER

Versus

STATE OF GOA THR. CHIEF
SECRETARY AND 5 ORS.

... RESPONDENTS

Mr S. D. Lotlikar, Senior Advocate with Mr Terence Sequeira,
Advocate *for the Petitioner.*

Ms Maria Correia, Additional Government Advocate *for*
Respondents No.1 and 2.

Mr Nikhil Vaze with Mr L. Fernandes, Advocates *for Respondent*
No.4.

Mr S. Khalap, Advocate *for Respondents No.5 and 6.*

CORAM: M. S. SONAK, J.

DATED: 8th June 2023

P.C.:

1. After the matter was heard for some time, the same is being disposed of based upon agreement/consent of the learned counsel for the petitioner, respondent no.4 and respondents no.5 and 6.

2. The above parties agree that the petitioner shall file detailed objections on the relative seniority of the petitioner and respondent no.4 within one week from today. Such objections

will be filed within a week before the school management. Copy of such detailed objections will be furnished to respondent No. 4 before such objections are filed with the school management.

3. Respondent no.4 will then file his counter to such objections within two weeks from the receipt of such objections. Respondent no.4 will also give the petitioner a copy of his counter before the same is filed with the school management.

4. If the petitioner wishes to file a rejoinder, he may do so within three days from the receipt of the counter by respondent no.4. Advance copy will have to be furnished to respondent no.4.

5. The school management will hear the petitioner and respondent no.4 and dispose of the objections/counter objections within four weeks after that. The school management will communicate its decision to the petitioner and respondent No. 4, finalising the *inter se* seniority within four weeks without further delaying the matter.

6. If the petitioner or respondent no.4 is aggrieved by the decision of the school management on the issue of their *inter se* seniority, then they would be entitled to institute an appeal before the Director of Education in terms of Rule 87A(7) of the Goa,

Daman and Diu School Education Rules, 1986 within thirty days from the receipt of school management's decision, which shall be construed as the finalised seniority list for the said Sub-Rule.

7. Suppose such an appeal is instituted by the petitioner or respondent no.4 to the Director of Education. In that case, the Director of Education should dispose of such appeal on its merits and in accordance with law as expeditiously as possible and, in any case, within three months from the institution of the same. Needless to add, the Director will comply with the principles of natural justice.

8. All parties' contentions on the issue of *inter se* seniority of the petitioner and respondent no.4 and the matters connected therewith are expressly kept open.

9. The petition is disposed of in the above terms. No costs.

10. All concerned to act on an authenticated copy of this order.

M. S. SONAK, J.

SUCHITRA
NANDAN
SINGBAL

Digitally signed by
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