

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 240 OF 2023

PURUSHOTTAM A. NAIK

... Petitioner

Versus

STATE OF GOA, THR.

CHIEF

... Respondents

SECRETARY AND 4 ORS

Mr Anthony D'silva, Advocate for the Petitioner.

CORAM : NITIN JAMDAR, ACTING CJ. &
BHARAT P. DESHPANDE, J

DATED : 13th July 2023

P.C.:

1. Heard learned Counsel for the petitioner.
2. The petitioner had participated in the selection process for the post of Peon pursuant to the advertisement issued by respondent No.3 /Panchayat on 02/02/2016. The petitioner was not selected but respondent No.5 was selected. Respondent No.5 was given an appointment order in the year 2016 itself. Thereafter, this Writ Petition is filed in the year 2021 challenging the appointment of respondent No.5. The contention of the petitioner is that respondent No.5 though not qualified has been appointed.
3. By order dated 24/02/2011, the learned Magistrate granted the application made by the respondent No.5 and the birth record of

respondent No.5 came to be registered with the Office of the Registrar of Births and Deaths at Usgaon Ganjem. According to the petitioner, though respondent No.5 was not a resident of Goa and that he had declared that he is illiterate before the learned Magistrate, he represented the fact otherwise while making an application before the Village Panchayat. The petitioner since then made various representations.

4. As regards the representation of the petitioner to the concerned Village Panchayat, a meeting was held on 13/11/2020 where a resolution was passed after seeking a reply from respondent No.5 that the procedure for selection of Peon was held as per staffing pattern with prior approval of the Director of Panchayat and after processing the application through the Departmental Selection Committee and report of the B.D.O. office. After considering the position, it was resolved by the Panchayat that the appointment of respondent No.5 was proper.

5. As of today respondent No.5 is working on the same post since the last 7 years. In the petition which was filed in the year 2021, the petitioner has given his age as 46 years, therefore, the petitioner is clearly age barred for appointment for the post he had applied.

6. Therefore, considering the Resolution passed by the Panchayat and the above facts, we do not find reason for interference under

Article 226 of the Constitution to set aside the appointment of respondent No.5 and for further consequential reliefs.

7. Writ Petition is accordingly dismissed.

(BHARAT P. DESHPANDE, J.) (ACTING CHIEF JUSTICE)

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