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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.230 OF 2022

PRAKASH DATTARAM NAIK

... Petitioner

Versus

**STATE OF GOA THR.,
CHIEF SECRETARY AND 3 ORS.**

... Respondents

Mr Chaitanya Padgaonkar, Advocate *for the Petitioner.*

Mr D. Pangam, Advocate General with Mr Siddhesh Patkar,
Additional Government Advocate *for the Respondent-State.*

Mr Ashwin D. Bhobe, Advocate *for Respondent No.3.*

Mr S. Kamat Malyekar, Advocate *for Respondent No.4.*

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

DATED: 23rd January, 2023

P.C.:

1. Heard Mr Padgaonkar for the Petitioner.
2. The challenge in this petition is to the order dated 15.04.2006 appointing Respondent No.4 to the post of Assistant Teacher in the Trained Graduate Category.
3. This petition has been instituted on 06.06.2021 i.e. after an inordinate delay of about 15 years. To our query as to what is the explanation for this inordinate delay, Mr Padgaonkar pointed out the pleadings in paragraph 3(w) which reads as follows:-

“3(w). It may also be relevant to note that in an unfortunate turn of events in the year 1999 the Petitioner suffered an accident in which he lost vision in his left eye, from 1999 to up till 2005 the Petitioner underwent as many as five surgeries, however his vision from the said eye could not be restored. This was also one of the reasons for the Petitioner not taking up the issue of his promotion with the management more aggressively with the hope that the, management shall have more sympathetic consideration over the matter. Annexed hereto and marked as ANNEXURE 'N' COLLY are some of the medical records of the petitioner.”

4. The above explanation, even if it is held to be true and correct, explains the position between 1999 and 2005. The impugned order was made on 15.04.2006. What was required to be explained is the period between 15.04.2006 and 06.06.2021. With regard to this period, there is no explanation whatsoever.

5. The petition, according to us, is clearly barred by delay and laches. Accordingly, we dismiss this petition on delay and laches. There shall be no order for costs.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.

JOSE
FRANCISCO
DSOUZA

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