

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 159 OF 2022
WITH
MISC. CIVIL APPLICATION NO. 210 OF 2019
IN
WRIT PETITION NO. 256 OF 2017

DIOCESAN SOCIETY OF EDUCATION,
THR. ITS SECRETARY, FR. JESUS
RODRIGUES AND ANR.

..... Applicants

Versus

MARIA ELAINE NORONHA
E BARRETO AND ANR.

..... Respondents

Mr Vilas Pavithran, Advocate for the Applicants.

CORAM: M. S. SONAK, J.
DATED : 3rd AUGUST 2023

P.C.:

- 1.** Heard Mr V. Pavithran, learned counsel for the Applicants in both applications.

- 2.** Mr Pavithran states that Respondent No.1 has been duly served. Further, he refers to this Court's order dated 17.03.2023 in which it is recorded that the bailiff report shows that Respondent No.1 has been duly served in person.

3. Despite opportunities, Respondent No.1 does not appear in the matter.

4. These applications seek modification of this Court's order dated 25.04.2017. By this order, interim relief was granted to the Applicants/Petitioners on the College Tribunal's direction to reinstate Respondent No.1. This was subject to the Petitioners' depositing in this Court every quarter amounts equivalent to 50% of the salary and other emoluments, which were drawn by Respondent No.1 at the stage when her services came to be terminated.

5. Mr Pavithran points out that Respondent No.1 secured employment at MES College. Therefore, the first civil application was taken out for modification. In the meanwhile, Respondent No.1 has secured employment on an ad-hoc/contractual basis at the Government College of Arts, Science & Commerce, Quepem. Mr Pavithran refers to Annexure-B to Misc. Civil Application No.159 of 2022. This document is a printout of relevant extracts from the data-capturing system placed on the website of the National Institutional Ranking Framework, Ministry of Education, Government of India. The data pertains to the Government College of Arts, Science & Commerce, Quepem.

6. Mr Pavithran points out that Respondent No.1's name is reflected at serial No.111 i.e. Maria Elaine Noronha. She is designated as Assistant Professor appointed on an ad-hoc/contractual basis.

7. Mr Pavithran points out that up to now the Applicants/Petitioners have deposited an amount of approximately ₹38,00,000/- in this Court. Mr Pavithran states that to the best of his knowledge and based on the instructions imparted, Respondent No.1 draws an emolument of approximately ₹55,000/- per month. Despite opportunities, Respondent No.1 has not appeared in the matter. Upon cumulative consideration of all the above circumstances put forth by Mr Pavithran, a case is made out to modify the order dated 25.04.2017. The interim relief granted in terms of prayer clause (c) would continue. However, the condition about the Applicants/Petitioners depositing every quarter amounts equivalent to 50% of the salary and other emoluments which were drawn by Respondent No.1 at the stage when her services came to be terminated is modified and deleted. Instead, the Secretary of the Applicant No.1 should file an undertaking within four weeks to the effect that such amount and any further amount that the Court would determine, in case the Writ Petition is dismissed, will be paid to Respondent No.1 within six weeks from the dismissal of the petition. A

copy of such undertaking should be furnished to Advocate Gourish B. Kamat, who at one stage appeared on behalf of Respondent No.1.

8. The interim order dated 25.04.2017 stands modified in the above terms. The amounts already deposited by the Applicants/Petitioners are to remain invested in a Nationalized bank.

9. Both Misc. Civil Applications are disposed of in the above terms without any order for costs.

M. S. SONAK, J.

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