



Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.420 OF 2024

PRATHANA DEEPAK NAIK ... PETITIONER
Versus
STATE OF GOA THR. CHIEF SECRETARY ... RESPONDENTS
AND 4 ORS

Ms Apeksha Kalokhe, Advocate for the Petitioner.
Mr Manish Salkar, Govt. Advocate for Respondents No.1 to 4.
Mr. A. D. Bhobe with Ms. A. Fernandes, Advocates for Respondent No.5.

**CORAM:- M. S. KARNIK &
VALMIKI MENEZES, JJ.**

DATED :- 17th September, 2024

P.C.:

1. This Petition under Article 226 of the Constitution of India, seeks a relief that the order dated 12/03/2024 passed by the Director of Education-Respondent No.2 be quashed and set aside. A further direction is sought directing Respondent No.2 to adjudicate upon the representations of the Petitioner dated 23/10/2023 and 23/01/2024 before Respondent No.2 to this Petition. Further, the Petitioner has also prayed for a direction to Respondent No.2 to hold an inquiry and initiate disciplinary action against Respondent No.5.

2. The Petitioner alleges that she is working as a Primary School

Teacher at the Government Primary School at Namoshi, Guirim, Bardez, Goa and Respondent No.5 was working as an In-charge at the said school. There were some issues between the Petitioner and Respondent No.5, which led to unpleasant situations-incidents. It is alleged that Respondent No.5 abused the Petitioner in filthy language and made some indecent remarks against the Petitioner. It is further alleged that all was not well between the Petitioner and Respondent No.5 as set out in the Petition.

3. So far as the incident in question is concerned, it is alleged that the Petitioner was assaulted by Respondent No.5, as a result, she suffered fracture injuries. The Petitioner submitted that this is a fit case where apart from the criminal prosecution which has been launched against the Respondent No.5, even a departmental inquiry should be conducted.

4. In the impugned order dated 12/03/2024, it is stated that on 11/03/2024, the Petitioner appeared and stated that there are no grievances, except that she needs justice for assault and the police case is filed. It was recorded that since the Petitioner's grievances are settled, this Court be informed accordingly.

5. Shri Salkar on instructions submitted that Respondent No.2 proposes to conduct a detailed preliminary inquiry into the incident and on the basis of which a decision whether to initiate a departmental

inquiry against those responsible. In view of the statement of Shri Salkar, Respondent No.2 to take an appropriate decision within a period of two weeks whether to initiate departmental inquiry or otherwise. This decision should be taken without being influenced by the observations in the impugned order. All contentions in the Petition are kept open.

6. Petition is disposed of. No costs.

VALMIKI MENEZES, J.

M. S. KARNIK, J.