

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.501/2022

DAMU RAYU NAIK

... PETITIONER

Versus

THE CHAIRMAN, SHANTINIKETAN
EDUCATION SOCIETY AND 2 ORS.

...RESPONDENTS

Mr A. D. Bhobe with Ms A. Fernandes, Advocates *for the Petitioner.*

Mr S. D. Lotlikar, Senior Advocate with Ms S. Kenny, Advocate
for the Respondent No.1.

Mr. P. Arolkar, Additional Government Advocate *for the State.*

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
M. S. SONAK, J.**

DATED: 9th January 2024

P.C.:

1. Heard Mr A. D. Bhobe for the Petitioner, Mr S. D. Lotlikar, learned Senior Advocate who appears with Ms S. Kenny for Respondent No.1 and Mr P. Arolkar, learned Additional Government Advocate for the State-Respondents No.2 and 3.

2. The grievance raised in this petition is that the petitioner, despite being entitled for grant of Selection Grade, the respondents are not granting the said benefit to the petitioner and further that though the petitioner as per norms, is entitled to be promoted to the post of Principal on regular basis, no steps have been taken to accord the said benefit to the petitioner.

3. Learned counsel representing the management of the institution – respondent no.1, on the basis of instructions submits that a meeting of the Departmental Promotion Committee (DPC) to consider the claim of the petitioner for grant of Selection Grade is likely to be held soon and for the said purpose the management of the institution has made a request to the department concerned to nominate an officer to form the DPC, which is pending.

4. In the light of the aforesaid facts, we direct that the concerned officer from Education Department shall consider the prayer for nomination of an officer for constitution of the DPC within a fortnight from today and intimate the name of the nominated officer to the management of the institution immediately thereafter. Once nomination is made by the Education Department, claim of the petitioner shall be considered by the DPC in accordance with law, with expedition.

5. Insofar as the grievance of the petitioner related to non-consideration of his claim for promotion on regular basis to the post of Principal of the institution is concerned, the learned counsel representing the management of the institution states that for the said purpose a No Objection Certificate (NOC) from the Education Department shall be required for which the management has already made an application. Thus, we direct that the officer concerned in the Education Department shall consider the prayer for grant of NOC to the management for the purposes of considering the claim of the petitioner for the

promotion to the post of Principal on regular basis within a fortnight from today and communicate the said decision to the management as well as to the petitioner.

6. Once the NOC is received, the management shall immediately take further steps to consider the claim of the petitioner for promotion to the post of Principal on regular basis. We further direct that for the purposes of nomination of the officer to be a part of the DPC for considering the claim of grant of Selection Grade or for the purpose of considering the prayer for grant of NOC for making regular promotion to the post of Principal, whatever documents and information are required to be furnished by the management, the same shall be done by the management forthwith.

7. We make it clear that we have not made any observations on the merits of the respective claim of the parties regarding grant of Selection Grade or the promotion to the post of Principal on regular basis.

8. With the aforesaid observations and directions, the petition is disposed of.

M. S. SONAK, J.

CHIEF JUSTICE

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