



Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.456 OF 2024

FRANSALIAN EDUCATION SOCIETY THR.
ITS SECRETARY FR. JERAD SAHAYARAJ
P. AND ANR

... PETITIONERS

Versus

STATE OF GOA THR. ITS CHIEF
SECRETARY AND 4 ORS

... RESPONDENTS

Mr. Shivraj Gaonkar with Mr. P. Sirvoicar, Advocates for the
Petitioners.

Mr. Shubham Priolkar, Additional Government Advocate for the
Respondents No.1 and 2.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 3rd July, 2024

P.C.:

1. Heard Mr. Shivraj Gaonkar with Mr. P. Sirvoicar, learned Counsel
for the Petitioners and Mr. Shubham Priolkar, learned Additional
Government Advocate for the Respondents No.1 and 2.

2. The challenge in the present petition is with regard to taking over
the management of the school by the Government. In the earlier Writ
Petition No.1103/2023 decided on 02/01/2024, liberty was granted to
approach the Government with a representation as provided under
Section 20(7) of the Goa School Education Act.

3. Mr. Gaonkar submits that accordingly a representation was filed addressed to the Secretary, Education dated 30/01/2024. However, such representation was considered by the Director of Education. He is also challenging the orders of taking over the Management. Mr. Gaonkar by placing reliance on the decision of the Apex Court in the case of MRF Ltd v/s. Manohar Parrikar and others [(2010) 11 SCC 374], would submit that when the provision itself gives power to the Government under Section 20(7) to decide the representation by the Government, the Administrator i.e. the Governor on the basis of the Rules framed under Article 166 of the Constitution, the Director of Education has no authority to consider and decide representation filed by the Petitioner and thus the decision conveyed to the Petitioner by the Director of Education is clearly illegal.

4. Issue notice to the Respondents.

5. Mr. Priolkar appears for Respondents No.1 and 2 undertakes to file the reply within a period of four weeks. A copy of such reply to be handed over to the Petitioner in advance.

6. Matter is kept for further consideration on 16/08/2024.

BHARAT P. DESHPANDE, J.