

(2012) 07 BOM CK 0238
In the Bombay High Court
Case No : Writ Petition no. 236 of 2004

Mrs. Ivy C. Da Conceicao

APPELLANT

Vs

The State of Goa and Others

RESPONDENT

Date of Decision : 25-07-2012

Acts Referred:

Citation : (2012) 07 BOM CK 0238

Hon'ble Judges : U.V. Bakre, J;A.P. Lavande, J

Bench : Division Bench

Advocate : V.P. Thali, for the Appellant; D. Lawande, Government Advocate for Respondents no. 1 and 2, Mr. J.E. Coelho Pereira with Mr. S. Karpe, Advocate for Respondent no. 3 and Mr. M.S. Sonak and Mr. J. Supekar, Advocates, for the Respondent

Judgement

A.P. Lavande, J.—With the consent of the learned Counsel for the petitioner, affidavit filed on behalf of respondent no. 7 is taken on record. Heard the learned Counsel for the parties.

2. This petition was filed challenging the appointments of respondents no. 5 and 7 as Principals of different schools run by respondent no. 3. This Court on 15/09/2004, issued Rule only in respect of promotion of respondent no. 7 as Headmaster.

3. As such, the petition filed by the petitioner deemed to have been rejected qua respondent no. 5.

4. Insofar as respondent no. 7 is concerned, the relevant prayers sought by the petitioner are as under :

(b) To quash and set aside the promotion of the respondent no. 7 as Principal of the respondent no. 6.

(c) For a direction to hold fresh Departmental Promotional Committee to consider the petitioner for promotion to the post of Principal in the vacancy of the

Principal with the respondent no. 4.

5. Affidavit filed by respondent no. 7 discloses that although appointment letter dated 16/08/2003 was given by respondent no. 3 appointing respondent no. 7 as Principal of the school, actually respondent no. 7 was never appointed as Principal of Fr. Basilio Andrade Memorial Higher Secondary School run by respondent no. 3. In view of the above, it is evident that the appointment letter dated 16/08/2003 issued to respondent no. 7 was never given effect and pursuant to the said letter, respondent no. 7 did not act as Principal in the school run by respondent no. 3. This being the position, the reliefs (b) and (c) sought by the petitioner, are not available to the petitioner. On this short ground only the petition is liable to be dismissed and is, accordingly, dismissed. No order as to costs.