
(2012) 07 BOM CK 0237
In the Bombay High Court
Case No : Writ Petition No. 246 of 2004

Mrs. Nirmala Misquita

APPELLANT

Vs

State of Goa and Others

RESPONDENT

Date of Decision : 25-07-2012

Acts Referred:

Citation : (2012) 07 BOM CK 0237

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.—Affidavit filed on behalf of respondent no.4 is taken on record. Heard the learned Counsel for the parties.

2. This petition was filed challenging the appointments of respondents no.4, 5 and 6 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.4 as Headmaster.

3. As such, the petition filed by the petitioner challenging the promotions of respondents no.5 and 6 as Principals is deemed to have been rejected qua respondents nos.5 and 6.

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

(c) A writ of certiorari or a writ in nature of certiorari, or any other appropriate writ, direction or order to quash and set aside the selection of respondent no.4 made by the Promotion Committee on 14/07/2003 and his consequential appointment vide letter dated 16/08/2003(Exh.J), made by the respondent no.3 in the post of Principal of Fr. Basilio Andrade Memorial Higher Secondary School,

Majorda, Salcette Goa.

(e) A writ of certiorari or a writ in nature of certiorari, or any other appropriate writ, direction or order to quash and set aside the letter dated 16/08/2003 (Exh.J.) appointing the respondent no.4 as Principal of Fr. Basilio Andrade Memorial Higher Secondary School, Majorda.

5. Affidavit filed by respondent no.4 discloses that although appointment letter dated 16/08/2003 was given by respondent no.3 appointing respondent no.4 as Principal of the school, actually respondent no.4 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.4 was never given effect and pursuant to the said letter, respondent no.4 did not act as Principal in the school run by respondent no.3. This being the position, the reliefs (c) and (e) 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.