

LD-VC-OCW-77-2020
IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-OCW-77-2020

**The Chairman,
School Managing Committee,
Cortalim an anr.**

..... Petitioners

V e r s u s

**The Director of Education,
Directorate of Education**

..... Respondents

Mr. A. D. Bhohe, Advocate for the Review Petitioners/Applicants.

Mr. S. D. Lotlikar, Senior Advocate with Advocate Mr. J. Karn for the Original Petitioners.

Mr. V. Sardesai, Additional Government Advocate for the Respondent no.1.

CORAM: DAMA SESHADRI NAIDU, J.
DATE: 11th September 2020.

ORDER:

In Writ Petition No.1213/2018, filed by the Chairman/School Management Committee, Cortalim and another, the review petitioner is the second respondent. This Court disposed of that Writ Petition on 14th February 2020, with the following directions:

“8. Based on the Director’s stray observation, the Tribunal remanded the matter to the Director. That said, the Tribunal's impugned judgment reveals that the Tribunal wanted clarification from the Government Advocate, who represented the Director before the Tribunal. It wanted to know whether the Manager was a co -signatory. But instead of answering the Tribunal’s query, the learned Government Advocate, as noted by the Tribunal, wanted the Tribunal to remand the matter. That is how the remand has been occasioned. In fact, while remanding the matter, the Tribunal has noted that it has not disturbed the findings.

Under these circumstances, I refuse to interfere with the Tribunal's order. But at the same time, I note that the remand is confined to that singular aspect as covered by charge 13. The rest of

the Director's order, as well as the Disciplinary Authority's findings, remains unaffected. In other words, the termination order stands, as the remand is limited and covers only a collateral issue."

2. Now, the second respondent in that Writ petition has come up with this review petition.

3. Shri Bhobe, the learned counsel for the review petitioner, wants what seems to be a clarification from this Court. According to him, this Court has refused to interfere with the Tribunal's order. And at the same time, it has not disturbed the remand effected by the Tribunal on a limited question. Therefore, if at all the authority concerned decides what has been remanded and if that decision adversely affects the review petitioner, he should have the liberty to have his legal remedies against that order.

4. Shri Lotlikar, the learned Senior Counsel for the original writ petitioner, fairly submits that if law provides a remedy, the review petitioner needs no imprimatur from the Court. He can very well agitate that right provided it is available.

5. On the other hand, the learned counsel for the first respondent submits that the learned Director of Education was wrong in rejecting the entire inquiry report. I am afraid, in a review petition, I cannot go into that aspect.

6. I, therefore, dispose of this review petition by clarifying that if the matter remanded should result in any order affecting the review petitioner's rights, he will have all his legal remedies open.

DAMA SESHADRI NAIDU, J.

AP/-