

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-68-2020.

Nekheta Fernandes ... Petitioner.

Versus

State of Goa & ors. ... Respondents.

Shri Galileo Teles, Advocate for the Petitioner.

Shri G. Shetye, Advocate for the Respondent nos.1 and 2.

Coram : Nutan D. Sardesai. J.

Dated : 30th June, 2020

P.C.:

Heard Shri G. Teles, learned Advocate on behalf of the petitioner who invited my attention to the order of termination dated 21.05.2020 pursuant to which the services of the petitioner would stand terminated with effect from 01.07.2020.

2. It was his contention that unlike the order, no written memos were issued to the petitioner as alleged therein and thereupon the petitioner had written a letter to the respondent

no.5 dated 11.06.2020 calling for the written memos to be furnished to her but there was no reply to the letter till date. He invited my attention to Rule 83 of the Education Rules which postulated that no inquiry was required to be held when the services of an employee were required to be terminated under probation but that it also required written memos to be given to the delinquent employee and reasonable opportunity of explanation had to be afforded before any course of action could be taken in that regard.

3. In the circumstances it was his contention that the action of the respondent no.3 was contrary thereto and therefore, he was entitled to the relief of stay of the impugned order of termination dated 21.05.2020.

4. Shri G. Shetye, learned Advocate waives notice on behalf of the respondent nos.1 and 2

5. i have considered the submissions of Shri G. Teles, learned Advocate and have perused the order of termination, Rule 83 of the Education Rules and more particularly the letter of the petitioner dated 11.06.2020 seeking copies of all the written

memos to be furnished to her and lack of any response at the instance of the respondent no.5. A fit case is made out for securing interim relief to the petitioner as it would cause undue hardship to the petitioner resulting in the termination of her services with effect from 01.07.2020.

6. In the circumstances therefore, interim relief is granted in terms of prayer clause (b).

(b) Pending hearing and disposal of the present petition, stay the impugned order dated 21st May 2020 passed by the respondent no.3, Secretary of Diocesan Society of Education.

7. Notice be issued to the respondents returnable on 21.07.2020.

8. Parties to act on the basis of the authenticated copy of this order.

Nutan D. Sardessai, J.

MF/-