

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-OCW-147 OF 2020

IN

LD-VC-CW-45-2020

The Chairman, Bal Gyan Vikas Education

Society In Joel P. Dias

..... Application

Versus

State of Goa and others.

..... Respondents

Mr. Nigel Fernandes, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. G. Shetye,
Additional Government Advocate for the respondents no.1 to
4.

Mr. C. Padgaonkar, Advocate for the respondent no.5.

CORAM : M.S. SONAK &

SMT. M.S. JAWALKAR, JJ.

DATE : 5TH OCTOBER,2020.

P.C. :-

Leave is granted to add the respondent no.5.
Amendment to be carried out forthwith.

2. Heard Mr. Nigel Fernandes, learned Advocate for the Petitioner, Mr. D.J. Pangam, learned Advocate General with Mr. G. Shetye, learned Additional Government Advocate for the respondents no.1 to 4 and Mr. C. Padgaonkar, learned Advocate for the respondent no.5.

3. Since, this application is not opposed by the learned Counsel for the respondents the same is made absolute in terms of prayer clause 'a' which reads as follows:

“a) To permit the Applicant to continue the employment of the Petitioner on contract basis, in terms identical to those contained in letter no.Acad/H.S/9/Bar/2019/786 dated 28/04/2020 issued by Respondent No. 3, throughout the pendency of the above mentioned Writ Petition, on the condition that the remuneration of the Petitioner shall be paid by the Applicant, for the said period.”

4. The liberty is granted to the applicant/the Management, to continue to employ the respondent no.5/original petitioner on contractual basis, on the condition that the remuneration payable to the respondent no.5, shall be entirely paid by the applicant/ School Management. We add that neither the applicant nor the respondent no.5 will claim any equities on account of this order.

5. We also clarify that ultimately, if the petition is allowed then, it will be open to both the respondent no.5 and also the applicant herein to urge that necessary reimbursement to be made by the respondent nos.1 to 3.

6. Further, it is pointed out from the order dated 31/08/2020 that while admitting this petition, we have issued directions to some of the respondents in this petition to take decision on the issue of payment to the respondent no.5 herein.

7. Mr. Padgaonkar, learned Advocate points out that till date no such decision is taken. Accordingly, we direct the respondents to take necessary decisions as directed, positively within a period of four weeks from today.

8. This Misc. Civil Application is disposed off in the aforesaid terms. There shall be no order as to costs.

SMT. M.S. JAWALKAR, J.

M.S. SONAK, J.

MV