

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-242-2020

Shaikh Nurudin Shaikh Abubakar

... Petitioner

Versus

State of Goa & Anr.

... Respondents

Mr. C. Padgaonkar, Advocate for the Petitioner.

Mr. Devidas J. Pangam, Advocate General with Ms. Maria S. J. Correia, Additional Government Advocate for Respondents.

Coram : M. S. SONAK &
M. S. JAWALKAR, JJ

Date: 21st October, 2020

P.C.

Heard Mr. C. Padgaonkar, learned Counsel for the petitioner. Mr. Devidas J. Pangam, the learned Advocate General appears with Ms. Maria S. J. Correia, learned Additional Government Advocate for the respondents.

2. We issue Rule in this matter. However, considering the provisions of Rule 88(2) of the Goa School Education Rules, 1986 as also the position that this sub-rule has since been deleted, we do not wish to grant any interim relief to the petitioner. Further, we make it clear that should the petition ultimately succeed, we will consider

awarding the petitioner salary and other emoluments for the extended period. This is because the petitioner, by instituting this petition has indicated his intention to work during the extended period. Therefore, prima facie, principle of no work no pay, cannot be invoked against such petitioner.

3. Further, we grant the petitioner leave to amend the petition. The amendment to be carried out within two weeks from today. A copy of the amended petition to be served upon the learned Counsel for the respondents. The respondents to complete the pleadings in this matter within eight weeks from the date of receipt of the amended copy of the petition.

4. In case the petitioner wishes to file any rejoinder, the petitioner to do so within a period of two weeks from the date of receipt of replies from the respondents.

5. The hearing in this matter is expedited.

6. We grant liberty to the parties to apply for a fixed date.

M. S. JAWALKAR, J.

M. S. SONAK, J.