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ITEM NO.2

COURT NO.13

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14797-14798/2013

(From the judgement and order dated 21/12/2012 in WP No.568/2012,WP No.616/2012 of The HIGH COURT OF BOMBAY AT PANAJI)

DAULATRAO V. RANE SARDESSAI & ORS.

Petitioner(s)

VERSUS

THE STATE OF GOA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH SLP(C) NO. 20426 of 2013

(With office report)

Date: 11/03/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

Mr. Rajiv Dutta, Sr. Adv.

Ms. A.Subhashini, Adv.

For Respondent(s)

Mr. Siddharth Bhatnagar, Adv.

Mr. Pawan Kr. Bansal, Adv.

Mr. T. Mahipal, Adv.

UPON hearing counsel the Court made the following

O R D E R

The controversy which emerges out of these petitions pertains to appointment to the posts of Junior Scale Officers in the Goa Civil Service. Their selection and recommendation to the Government was made by the Goa Public Service Commission. The above recommendation was not accepted by the State Government, whereupon, the action of the State Government was assailed before the High Court which resulted in passing of the impugned order. Paragraph 81 of the impugned order reads as under: -

"In these circumstances, the Writ Petitions are disposed of by directing respondent No. 1 to reconsider the decision dated 23rd May, 2012 and to take a fresh decision after the receipt of the report of the Anti Corruption Branch, Vigilance Department. It is clarified that in the meantime the select list shall not be deemed to have been approved by the Government or by virtue of this order."

It is not a matter of dispute that having completed the investigation, the Anti Corruption Branch of the Vigilance Department of the State Government, in conformity with the directions issued by the High Court in the impugned order, has rendered its report. The above report has been placed on the records of this case.

Yet again, the purpose of examining the present controversy would be based on the determination of the High Court, as also, the report of the Anti Corruption Branch of the Vigilance Department. This consideration has not been effected by the High Court, as the above report was then not available.

In view of the fact, that the merits of the controversy were minutely examined by the High Court, prior to the receipt of the

report of the Anti Corruption Branch of the Vigilance Department, we consider it just and appropriate, to relegate the matter to the High Court for consideration in continuation of the impugned order, by hearing learned counsel for the rival parties, even on the effect of the above report, to the merits of the claim of the petitioners.

We accordingly, direct the matter to be heard in continuation of the impugned order, on 15th April, 2014. Needless to mention that it shall be open to the rival parties to place further material on the record of the case, which may have a bearing on the report of the Anti Corruption Branch of the Vigilance Department. Nine posts were sought to be filled up through the impugned selection process, accordingly nine posts shall be kept vacant, till the final disposal of the matter by the High Court.

The special leave petitions are disposed of accordingly.

[Nidhi Ahuja]
Court Master

[Phoolan Wati Arora]
Assistant Registrar