

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 86 OF 2014**

1. Dr. Silvia Noronha
major, r/o H.No.1513/9,
Plot E- 7 Rego Bagh, P.O.
Bambolim Complex
403 202 .. Petitioner

V e r s u s

1. University Grants Commission
Bahadurshah Zafar Marg,
New Delhi 110 002.
represented by its Chairman
2. Goa University,
having its office at
Taleigao Plateau 403 206
Goa represented by its Registrar.
3. The State of Goa,
represented by the Chief Secretary
Secretariat Porvorim 403 521 .. Respondents

Mr. S. D. Lotlikar, Senior Advocate with Ms. Suellen Correia,
Advocate for the petitioners.

Mr. M. Amonkar, Central Government Standing Counsel for
respondent no. 1.

Mrs. A. Agni, Advocate for respondent no. 2.

Mr. A. N. S. Nadkarni, Advocate General with Ms. P. Sawant,
Additional Government Advocate for respondent no. 3.

**CORAM : RANJIT MORE &
U. V. BAKRE, JJ.**

DATE : 23rd June, 2014

ORAL ORDER :

Heard Mr. Lotlikar, learned Senior Counsel appearing on behalf of the petitioner, Mr. Amonkar, learned Central Government Standing Counsel appearing on behalf of respondent no. 1, Mrs. Agni, learned Counsel appearing on behalf of respondent no. 2 and Mr. Nadkarni, learned Advocate General appearing on behalf of respondent no. 3.

2. By this petition, the petitioner has sought the following reliefs :

“a) That by the Writ of Mandamus the decision of the Respondents to fix the date of promotion of the petitioner at 24/8/2011 be quashed and set aside, and the date of promotion of the petitioner be fixed on 16/05/2004 with all the consequent benefits.

b) That the concerned officials of UGC, and/ or their successors in office and any other officials concerned and/or responsible for the perverse decision, each of them individually be directed to pay damages @ Rs.5000/- (Rupees Five Thousand only) per day from 21/10/2013 the date when the impugned decision was taken till the date of the promotion of the Petitioner is

effectively fixed at 16/5/2004 in all the relevant records of the Respondents Goa University and Universities Grants Commission.”

3. The petitioner was working as Associate Professor in the Department of Economics. She had filed Writ Petition No. 791 of 2011 against respondents no. 2 and 3 herein and in that petition, the learned Counsel appearing on behalf of respondent no. 2 i.e. Goa University had made a statement that if the petitioner applies afresh for promotion to the post of Professor under the CAS, her application would be considered in accordance with and as per SA 19 as it stood in the year 2002 under which the petitioner was found eligible to appear for the interview before the Selection Committee and that if the petitioner is promoted pursuant to such an application, it would be with effect from 16/05/2004. The said statements made by the learned Counsel were accepted and by judgment dated 12/10/2012, this Court had disposed of the said writ petition, *inter alia*, by directing that in the event of the petitioner being appointed to the post, her appointment shall be deemed to be with effect from 16/05/2004 and she will be entitled to all the benefits accordingly. It appears that in spite of the above direction of this Court, respondent no. 1 directed that promotion of the petitioner should be effective

from 24/08/2011 and accordingly, respondent no. 2 has issued the order showing the promotion of the petitioner to the post of Professor under the Career Advancement Scheme from 24/08/2011. Thus, it is seen that respondent no. 2 has acted contrary to the order dated 12/10/2012 passed by this Court in Writ Petition No. 791/2011. In view of the above, the petition is bound to succeed insofar as prayer (a) is concerned.

4. With regard to the prayer clause (b) of the petition, we are not inclined to grant the same and even otherwise, the learned Counsel appearing on behalf of the petitioner, under instructions, stated that the petitioner is not pressing for the same.

5. In the result, the petition is partly allowed.

(a) The decision of respondent no. 2 to fix the date of promotion of the petitioner as 24/08/2011 is quashed and set aside.

(b) The date of promotion of the petitioner shall be fixed as on 16/05/2004 and she will be entitled to all the consequent benefits accordingly.

6. The petition stands disposed of accordingly, with no order as to costs.

RANJIT MORE, J.

U. V. BAKRE, J.

SMA