



Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.16 OF 2023

Vivekanand Gobre,
Indian National, 35 years of age,
r/o H.No.251/1, Bhatwadi, Velguem Goa.
403105

...Petitioner

Versus

1. State of Goa
Through the Chief Secretary,
Office at Secretariat Porvorim Goa.

2. Dean,
School of Chemical Sciences,
Goa University, Taleigao Goa.

3. Vice-Chancellor
Goa University, Taleigao Goa.

4. Registrar,
Goa University,
Taleigao Goa.

...Respondents

Mr Shivan Desai with Mr Jonathan George and Ms Riya Amonkar,
Advocates for the petitioner.

Mr Manish Salkar, Government Advocate for respondent No.1.

Mrs A. Agni, Senior Advocate with Ms A. Harihar and Mr J. Shaikh,
Advocates for respondent Nos. 3 and 4.

CORAM:

**BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ**

Reserved on: 9th APRIL 2025

Pronounced on : 17th APRIL 2025

ORAL JUDGMENT (Per Bharati Dangre, J.)

1. Being aggrieved by order dated 11.10.2022 issued by the Registrar, Goa University, thereby terminating the services of the petitioner, Dr Vivekanand Gobre, Assistant Professor, School of Chemical Sciences, in terms of the resolution passed by the Executive Council and as per the provisions of the University Statute SB-15.10.5 and applicable service rules, the petitioner has approached this Court seeking the following reliefs:

- (a) This Hon'ble Court be pleased to issue a Writ of Certiorari, or a Writ in the nature of Certiorari, or any other Writ, Order or Direction, quashing the Impugned Order I dated 11.10.2022 issued by Respondent No.4;
- (b) This Hon'ble Court be pleased to issue a Writ of Certiorari or a Writ in the nature of Certiorari, or any other Writ, Order or Direction, quashing the Impugned Order II dated 21.09.2022 issued by Respondent No.4;
- (c) This Hon'ble Court be pleased to issue a Writ of Mandamus, or a Writ in the nature of Mandamus, or any other Writ, Order or Direction, reinstate the Petitioner as assistant professor in Goa University.

By way of interim order, it is prayed that the effect and implementation of the impugned order be stayed.

2. The petition being filed on 18.10.2022, on 02.01.2023 'Rule' was issued and the hearing of the petition was expedited.

The petitioner was permitted to amend the petition pursuant to which the pleadings were completed and at the request of the learned counsel for the petitioner, we have taken the petition for final hearing.

3. We have heard Mr Shivan Desai for the petitioner whereas the Government Advocate, Mr Manish Salkar represents the State of Goa and Mrs A. Agni, the learned Senior Advocate represents respondent Nos.3 and 4- Goa University and its Registrar.

4. The background facts reveal that the petitioner is an awardee of Ph.D degree by Technische Universitat Berlin in the year 2016 and the petition is accompanied with details of his career graph and his academic performance.

On acquiring the Post Graduate Decree, he returned to his State and joined Goa University and was appointed as an Assistant

Professor purely on a contract basis from July 2018. His appointment in the said capacity continued till July 2020.

5. In August 2020, Goa University advertised the post of Assistant Professor in physical chemistry on permanent basis and since the petitioner found himself qualified for the said post, he faced the selection process and was offered an appointment on 28.09.2020 which he accepted by his communication dated 30.09.2020.

The appointment order stipulated that he shall be placed in the Pay Scale of Rs.57700/- as per rules in Pay Matrix Level- 10 and he was held entitled to other admissible allowances as per rules. The appointment of the petitioner was on probation for a period of one year.

6. On the basis of the self-assessment report of the probation period along with recommendations of the Dean, School of Chemical Sciences, the Executive Council of the University recommended the extension of the period of probation of the petitioner by one year.

By order dated 10.11.2021, his probation period was extended by period of one year, which continued till 12.10.2022.

7. During the extended period of probation, the performance of the petitioner was assessed on the basis of Self-Assessment report and it was recommended by respondent No.2 that the performance was not satisfactory and confirmation of his service was not recommended. In the interregnum, and to be precise, on 22.09.2022, the office notings recorded the lapse on the part of the petitioner which pertained to the period of absence and the Vice-Chancellor directed to inform the petitioner about his alleged behaviour and that the authorities having taken serious note of the same with an intimation that failure to show improvement during the extended period may warrant strict action against him.

A Note under the signature of the Registrar advised the petitioner to apply for extraordinary leave of 32 days in order to regularise his absence from his duty as allegedly the petitioner had failed to apply for leave.

In any case, the case of the petitioner is that, except the issue of leave, which was also sought to be regularised subject to the petitioner making an appropriate application, there was nothing adverse recorded in regard to his performance. The petitioner also addressed a letter in response to the letter communicated to him,

offering clarification and in any case, clearly stating that he had applied to regularise his absence.

8. To the utter surprise of the petitioner, an order was issued under the signature of the Registrar, Goa University on 11.10.2022, which is impugned in the present petition, by which the services of the petitioner as an Assistant Professor in the School of Chemical Sciences, were terminated by assigning the reason of unsatisfactory performance. At this juncture, we deem it appropriate to reproduce the relevant portion of the impugned order since the bone of contention between the parties is the effect of observation in the impugned order and we reproduce the same as below:

“AND WHEREAS, when he was due for completion of one year of probation, his self assessment report was assessed and the Dean, School of Chemical Sciences recommended for extension of probation period and that the said self-assessment report of the probation period was placed before the Executive Council meeting held on 11/10/2021 who resolved to extend his probation period by a period of one more year as per provisions of University Statute SB-15.10.1 due to his overall unsatisfactory performance and communicated to him vide Order No.GU/Adm.(T)/PT/SBR/92/2021/1349 dated 10/11/2021.

AND WHEREAS, the Self-Assessment report during the extended probation period was assessed and it was recommended by the Dean, School of Chemical Sciences that the performance of Dr. Vivekanand V. Gobre was not satisfactory and confirmation of service was not recommended and that the said Assessment report of Dr. Vivekanand V. Gobre was placed before the Executive Council in its meeting held on 23/09/2022 and the Executive Council who is the appointing authority, after noting

the recommendations from the Dean of School of Chemical Sciences including material on record and that from the Vice-Chancellor, resolved not to confirm the services of Dr. Vivekanand V. Gobre and advised to terminate his services.

NOW THEREFORE, in terms of the resolution of the Executive Council in its meeting held on 23/09/2022 and as per the provisions of University Statute SB-15.10.5 and applicable Rules, the services of Dr. Vivekanand V. Gobre, Assistant Professor, School of Chemical Sciences are hereby terminated in view of his unsatisfactory performance, with effect from Tuesday, October 11, 2022, A.N.”

9. Mr Shivan Desai, the learned counsel for the petitioner, while assailing the impugned order, would submit that the termination of the service of the petitioner on the ground of unsatisfactory performance, without providing him an opportunity of being heard amounts to material irregularity, rendering the whole action malafide. It is also submitted by him that as per the Goa University Statute SA-19 (xii)(1)(A)(b), the decision of the Executive Council/Governing Council must be conveyed to the teacher in writing not later than 30 days prior to the completion of the probation period but this procedure was not followed before the impugned order was passed and therefore, the order is in complete disregard to the applicable Goa University Statute.

10. Another submission of Mr Desai is focused on termination of service of the petitioner, without an inquiry being conducted into

the alleged unsatisfactory performance, and without affording opportunity to represent his case which is assailed as colourable exercise of power and it is specifically urged that the petitioner ought to have been afforded opportunity to explain his alleged unsatisfactory conduct and as on the earlier occasion his period of probation was extended by a period of one year. It is argued that, since nothing adverse was communicated to the petitioner, it can be well presumed that he had successfully completed the extended period of probation.

In addition, it is also the submission of Mr Desai that the impugned order is ex facie stigmatic and punitive, and in such circumstances, it was imperative for the respondent to provide an opportunity of hearing to the petitioner before the order was issued. Considering his exemplary and stellar record as an academician, initially in Germany and then in India, the impugned order was passed behind the back of the petitioner merely on the pretext that the petitioner's performance was "unsatisfactory" and this conclusion was being arrived at without conducting a departmental inquiry is his stand. It is also urged that the impugned order cannot be sustained in the eyes of law, as though it appears to be termination simpliciter, but it has its foundation in the notices which were issued to the petitioner, reflecting upon his alleged unauthorised absence,

which in fact was also sought to be regularised by the petitioner directing to submit an application for extraordinary leave.

11. Mr Desai has also raised a specific contention that as per the Goa University SB-15.10.5, the Central Government rules on probation and confirmation are made applicable mutatis mutandis to the employees of the University. According to him, as per Rule 7 of the Master Circular on Probation and Confirmation in Central Services, discharge from service being a severe, final and irrevocable step, the petitioner ought to have been afforded an opportunity before taking the drastic step of discharge. The action of the respondent in not affording any opportunity and without following due process as prescribed by the Central Government Rules is also alleged to be violative of service rules governing him, resultantly rendering the impugned order a nullity.

12. Mr Desai would place reliance upon the catena of decisions, right from the decision in the case of *Samsher Singh Vs State of Punjab and another*¹, which has categorically ruled that the order of termination of a probationer whether punitive or not would depend upon whether the allegations which are the cause of

¹ (1974) 2 SCC 831

termination are the motive or amounts to its foundation. As per Mr Desai, if the order of termination of employment is a cloak for an order of punishment, the Court will not only look into the form of the order but the Court is not debarred from lifting the veil and looking into the cause, which has resulted in the order of termination and by relying upon the decision in the case of ***Anoop Jaiswal Vs Government of India and another***², it is submitted that where the act of misconduct, which formed the foundation for the action taken, termination was struck down.

Heavy reliance is placed upon the decision of the Apex Court in the case of ***Dipti Prakash Banerjee Vs Satyendra Nath Bose, National Centre for Basic Sciences, Calcutta and others***³, where the Apex Court has categorically held that where the findings are arrived at by the employer behind the back of the employee and without departmental enquiry being conducted into the accusation, such an order of termination though prima facie appearing to be innocuous would be treated as founded on allegations and hence bad in law. Further, reliance is placed upon the decision in the case of ***V. P. Ahuja Vs State of Punjab and others***⁴ as well as the decision in

² (1984) 2 SCC 369

³ (1999) 3 SCC 60

⁴ (2000) 3 SCC 239

the case of *Chandra Prakash Shahi Vs State of UP and others*⁵. Two more decisions were the decision in the case of *Dipti Prakash Banerjee* (supra) has been followed are also placed into service, being the decision in the case of *Dr. Vijayakumaran C.P.V. Vs Central University of Kerala and others*⁶ and the decision of this Court in *Suruchi Rajendra Gurjar Vs Board of Trustees of the Mumbai Port Authority and another*⁷.

13. By relying upon the aforesaid authoritative pronouncement, Mr Desai has submitted that it is well-established principle in law that the probationer is also entitled to protection of Article 311 of the Constitution and if it is the case of the employer that ‘material exists’ against him and that is the foundation of the impugned order, then it is stigmatic since anybody who intend to employ the petitioner would be naturally compelled to seek ‘material’ to which the impugned order has indicated at. The impugned order, according to Mr Desai has the effect of castigating the petitioner for not performing satisfactorily, and this is not the only reason indicated in the impugned order, but it also the existence of some ‘material’ which definitely is indicative of the reasons for his

⁵ (2000) 5 SCC 152

⁶ (2020) 12 SCC 426

⁷ 2024 SCC OnLine Bom 3427

termination. In short, the submission of Mr Desai that the impugned order smacks of arbitrariness and being stigmatic, definitely deserved to be preceded by a departmental inquiry, and as the action is taken without the conduct of any inquiry, it is liable to be set aside.

14. Opposing the submission of Mr Desai, Mrs Agni by relying upon the affidavit filed on behalf of the University, has adopted a specific stand that the petitioner was appointed on the terms and provisions of Statute SB-15.1 and even the appointment order specifically mentioned so. She would submit that the Statute SA -19 framed pursuant to UGC Regulations then prevailing, was governing the services of the petitioner and there is a specific denial to the contention of the petitioner that the Goa University Statute 19(xii)(1)(A)(b) apply to the petitioner and it is therefore submitted that there was no question of conveying the decision of the Executive Council/Governing Council to the petitioner as the petitioner is governed by SB-15. In any case, it is submitted by her that the decision of the Executive Council was conveyed to the petitioner on the date of his probation period was coming to an end and it was strictly in consonance with the relevant Statute SB-15.

15. Mrs Agni has also relied upon the decision in the case of *Samsher Singh Vs State of Punjab*⁸, but in addition, she would also lay her emphasis on the decision of the Apex Court in the case of *Gujarat Steels Tubes Vs Gujarat Steel Tubes Mazdoor Sabha and others*⁹, where it is held that if the termination is innocuous and does not stigmatize the probation or temporary service, the Constitution shield of Article 311 is unavailable. It is her categorical submission that if the employer has come to the conclusion that the employee was not fit and proper person to hold a post, it would discharge him without holding any inquiry into his alleged misconduct and in such case there can be no insistence upon the protection available under Article 311(2) to be extended and it cannot be said that the employee is deprived of any right, as appointment to the post on probation give no right to the person to hold the post and his services may be terminated without taking recourse to the proceeding contemplated by way of an inquiry, which is not necessary in case of a probationer. She has also placed reliance upon the following decisions of the Apex Court:

⁸ AIR 1974 SC 2192

⁹ AIR 1980 SC 1896

- (i) *Governing Council of Kidwai Memorial Institute of Oncology, Bangalore Vs Dr. Pandurang Godwalkar*¹⁰;
- (ii) *Radhey Shyam Gupta Vs U. P. State Agro Industries Corporation Ltd., and another*¹¹;
- (iii) *Registrar General, High Court of Gujarat and another Vs Jayshree Chamanlal Buddhbhatti*¹²;
- (iv) *Rajasthan High Court Vs Ved Priya and another*¹³;
- (v) *The State of Punjab and others Vs Jaswant Singh*¹⁴.

16. By applying the law as laid down by the Apex Court through the aforesaid pronouncements, Mrs Agni has submitted before us that there are no accusations against the petitioner and she would invite our attention to the communication dated 11.05.2022 addressed by the Vice-Chancellor to the Registrar, Goa University informing that Dr Gobre, the Assistant Professor in Physical Chemistry continued to remain absent many times and on few occasions has signed the muster without attending the duty, and informing that on earlier occasions these days were encircled on

¹⁰ AIR 1993 SC 392

¹¹ (1999) 2 SCC 21

¹² (2013) 16 SCC 59

¹³ (2021) 13 SCC 151

¹⁴ 2023 LiveLaw (SC) 761

muster and the Registrar was informed about it officially, a letter was issued by the Registrar instructing Dr. Gobre not to repeat such things and apply for extraordinary leave for his earlier absence. It was pointed out to the Registrar that other faculty members also started remaining absent and applying for leave only after being reminded and this behaviour of Dr Gobre is encouraging indiscipline among other new faculty members. Dr Gobre was therefore asked to be marked absent in the attendance register if he did not remain present for duty.

An additional affidavit is also filed responding to the amended portion of the petition where it is reiterated that the petitioner is governed by Statute SB-15.

17. On hearing the rival contentions advanced by the respective counsel, it appear to us that the bone of contention amongst the contenders is whether the impugned order dated 11.10.2022 is stigmatic/punitive, so as to warrant holding of departmental inquiry against the petitioner, who was admittedly appointed on probation of a period of one year, which was further extended by further period of one year and whether the “unsatisfactory performance” of the petitioner resulting into refusal of confirmation of his services is the

foundation or the motive exhibited on behalf of his employer i.e. the Goa University.

18. We must therefore briefly refer to the law expounded on this subject.

Article 311 of the Constitution of India confers a right on a person who is a member of a civil service of the Union or an All India service or a civil service of a State or holding a civil post under the Union or a State, which prescribe that he shall not be dismissed or removed by an authority subordinate to that by which he was appointed and clause (2) of Article 311 clearly stipulate as under:

“311. Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State-

(1)

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges;

Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed:

Provided further that this clause shall not apply--(a)where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(b)where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or

(c)where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State, it is not expedient to hold such inquiry.”

19. The aforesaid protection apply to a person who is a member of the Civil Service of the Union as well as the State and undisputedly, since the respondent employer, Goa University, being a State, its employees are also entitled to this protection.

In *Purushottam Lal Dingra Vs Union of India*, AIR 1958 SC 36, the highest Court of this Country had ruled out the proposition of automatic confirmation on completion of a period of probation and it was held that “permanent” status can be acquired only by a specific order confirming the employee on the post held by him on probation.

The question as to whether the temporary Government servant on probation is entitled to the protection under Article 311(2) of the Constitution on par with the permanent employee is no more res integra as it is now well settled that though the

temporary government servant has no right to hold the post and their services are liable to be terminated at any time by giving them one month's notice without assigning any reason either in terms of the contract of service or under the relevant statutory rules regulating the terms and conditions of the service, it is permissible for the Court to lift the veil of an innocuously worded order to look at the real face of the order and to find out whether it is as innocuous as it is worded.

20. In *Purushottam Lal Dingra* (supra), the exposition of law is clearly to the effect that inefficiency, negligence, or misconduct may have been the factors for inducing the Government to terminate the services of temporary employee under terms of the contract or under statutory rules governing the service and thus it may have motive for terminating the services, but motive by itself does not make the order punitive unless the order was “founded” on those factors or other disqualifications.

21. In *Samsher Singh* (supra) the law was developed to the effect that the probationer has no right to continue to hold the post and therefore the termination of his service does not operate as a forfeiture of any right and it is to be distinguished from dismissal, renewal or reduction in rank. It amounts to punishment only when

the termination is founded on misconduct, negligence or inefficiency, the motive being irrelevant. Categorically laying down the position in law to the effect that the service on probation can be terminated when the authority is satisfied regarding his inadequacy for the job or uncertainty for temperamental and other reasons not involving moral turpitude or when his conduct may result in dismissal or removal but without formal inquiry, it was held that fact of holding an inquiry is not always conclusive but what is decisive is whether the order is really by way of punishment.

In specific words, the Constitution Bench has held as below:

“64. Before a probationer is confirmed the authority concerned is under an obligation to consider whether the work of the probationer is satisfactory or whether he is suitable for the post. In the absence of any rules governing a probationer in this respect the authority may come to the conclusion that on account of inadequacy for the job or for any temperamental or other object not involving moral turpitude the probationer is unsuitable for the job and hence must be discharged. No punishment is involved in this. The authority may in some cases be of the view that the conduct of the probationer may result in dismissal or removal on an inquiry. But in those cases the authority may not hold an inquiry and may simply discharge the probationer with a view to giving him a chance to make good in other walks of life without a stigma at the time of termination of probation. If, on the other hand, the probationer is faced with an enquiry on charges of misconduct or inefficiency or corruption, and if his services are terminated

without following the provisions of Article 311(2) he can claim protection. In Gopi Kishore Prasad v. Union of India A.I.R. 1960 S.C. 689 it was said that if the Government proceeded against the probationer in the direct way without casting any aspersion on his honesty or competence, his discharge would not have the effect of removal by way of punishment. Instead of taking the easy course, the Government chose the more difficult one of starting proceedings against him and branding him as a dishonest and incompetent officer.”

22. The aforesaid observations by the Constitution Bench govern the determination of the question as to whether the termination of service of a probationer can be said to amount to discharge simpliciter and when it can be said to amount to punishment so as to attract the principle of Article 311 of the Constitution.

23. A further exposition in the case of *Gujarat Steel Tubes Ltd.* (supra) in its application to the Industrial Disputes Act, 1947, in relation to the power of the Arbitrator under Section 10A of the Act, with reference to the Model Standing Orders. While determining, whether the discharge of workmen by management is a discharge simpliciter or punitive in nature, by applying the test, a conclusion was reached to the effect that the discharge is punitive in nature, then it must be preceded by an inquiry.

In specific words, the majority opinion has clearly ruled that the form of the order of termination or the language in which it is couched is not conclusive, as the Court will lift the veil to see the true nature of the order.

If two factors co-exist, an inference of punishment is reasonable though not inevitable. If the severance of service is effected, the first condition is fulfilled and if the foundation or causa causans of such severance is the servant's misconduct the second is fulfilled.

If the basis or foundation for the order of termination is clearly not turpitudinous or stigmatic or rooted in misconduct or visited with evil pecuniary effects, then the inference of dismissal stands negated and vice-versa. The Court will find out from other proceedings or documents connected with the formal order of termination what the true ground for the termination is.

A termination effected because the master is satisfied of misconduct and of the consequent desirability of terminating the service of the delinquent servant is a dismissal, even if he had the right in law to terminate by an innocent order under the Standing Order or otherwise.

Whether, in such a case the grounds are recorded in different proceeding from the formal order, does not detract from its nature, nor the fact that, after being satisfied of the guilt, the master

abandons the enquiry and proceeds to terminate. Given an alleged misconduct and a live nexus between it and the termination of service, the conclusion is dismissal, even if full benefits as on simple termination, are given. On the contrary, even if there is suspicion of misconduct the master may say that he does not wish to bother about it and may not go into his guilt but may feel like not keeping a man, he is not happy with. He may not like to investigate nor take the risk of continuing a dubious servant. Then it is not dismissal but termination simpliciter, if no injurious record of reasons or punitive pecuniary cut-back on his full terminal benefits is found. For, in fact, misconduct is not then the moving factor in the discharge.

24. In *Dipti Prakash Banerjee* (supra), the two Judge Bench laid down the simple test for determining whether the termination of service is punitive or simpliciter; by ascertaining as to whether the allegations against the probationer is whether a “foundation” or “motive”. Dealing with an impugned order of termination, dated 30.04.1997 of the appellant, where a reference is made to the unsatisfactory performance resulting into extension period of probation from time to time, the order noted that since there was not improvement in the performance and therefore, the appellant was found to be unsuitable for the post.

Taking into consideration the fact that there was no improvement in the performance despite the extension of probation, the order stated that the management was unable to confirm the services, and as such the services were terminated.

25. The question that arose for consideration was, whether the finding in the letter of the Director which preceded the impugned order was the foundation of the impugned order and therefore in the absence of conduct of the departmental inquiry, they form the “foundation” for termination.

The points which were formulated in the background facts were framed as below:

- (i) In what circumstances, the termination of a probationer's services can be said to be founded on misconduct and in what circumstances could it be said that the allegations were only the motive?
- (ii) When can an order of termination of a probationer be said to contain an express stigma?

26. While answering the first question, the Court observed thus:

“If findings were arrived at in an enquiry as to misconduct, behind the back of the officer or without a regular departmental enquiry, the simple order of termination is to be treated as

'founded' on the allegations and will be bad. But if the enquiry was not held, no findings were arrived at and the employer was not inclined to conduct an enquiry but, at the same time, he did not want to continue the employee against whom there were complaints, it would only be a case of motive and the order would not be bad. Similar is the position if the employer did not want to enquire into the truth of the allegations because of delay in regular departmental proceedings or he was doubtful about securing adequate evidence. In such a circumstance, the allegations would be a motive and not the foundation and the simple order of termination would be valid."

27. Pronouncing upon the second point, the following observations answered the said point.

"In the matter of 'stigma', this Court has held that the effect which an order of termination may have on a person's future prospects of employment is a matter of relevant consideration. In the seven Judge Bench decision in Samsher Singh vs. State of Punjab [1974 (2) SCC 831], Ray, C.J. observed that if a simple order of termination was passed, that would enable the officer to "make good in other walks of life without a stigma". It was also stated in Bishan Lal Gupta vs. State of Haryana [1978 (1) SCC 202] that if the order contained a stigma, the termination would be bad for "the individual concerned must suffer a substantial loss of reputation which may affect his future prospects".

There is, however, considerable difficulty in finding out whether in a given case where the order of termination is not a simple order of termination, the words used in the order can be said to contain a 'stigma'. The other issue in the case before us is whether even if the words used in the order of termination are innocuous, the court can go into the words used or language employed in other orders or proceedings referred to by the employer in the order of termination.

As to what amounts to stigma has been considered in Kamal Kishore Lakshman vs. Pan American World Airways Inc.[1987 (1) SCC 146. This Court explained the meaning of 'stigma' as follows (SCC p.150, para 8):

"8. According to Webster's New World Dictionary, it (stigma) is something that detracts from the character or reputation of a person, a mark, sign etc., indicating that something is not considered normal or standard. The Legal Thesaurus by Burton gives the meaning of the word to be blemish, defect, disgrace, disrepute, imputation, mark of disgrace or shame. The Webster's Third New International Dictionary gives the meaning as a mark or label indicating a deviation from a norm. According to yet another dictionary 'stigma' is a matter for moral reproach." Similar observations were made in *Allahabad Bank Officer's Association vs. Allahabad Bank* [1996 (4) SCC 504]."

28. Several other decisions followed the aforesaid principle of law but we deem it necessary to make reference to one more decision of delivered in *Pavanendra Narayan Verma Vs Sanjay Gandhi P.G.I. of Medical Sci. and Another*¹⁵ where an order of termination of temporary employee passed in terms of the appointment order shortly after the expiry of extended period stated that even during that period his "work is not found to be satisfactory". Holding that such an order is not ex facie stigmatic and not holding an inquiry, will not make it punitive. It was reiterated that whenever probationer challenges his extension of probation, the Court's first task will be to apply the test of "stigma" or

¹⁵ (2002) 1 SCC 520

“form” test. If the order survives this expression, “substance” of the termination will have to be found out.

By referring to the decision in *Dipti Prakash Banerjee* (supra), what is held, is reproduced below:

“31. Returning now to the facts of the case before us. The language used in the order of termination is that the appellant's “work and conduct has not been found to be satisfactory”. These words are almost exactly those which have been quoted in *Dipti Prakash Banerjee* case [(1999) 3 SCC 60 : 1999 SCC (L&S) 596] as clearly falling within the class of non-stigmatic orders of termination. It is, therefore safe to conclude that the impugned order is not *ex facie* stigmatic.

32. We are also not prepared to hold that the enquiry held prior to the order of termination turned this otherwise innocuous order into one of punishment. An employer is entitled to satisfy itself as to the competence of a probationer to be confirmed in service and for this purpose satisfy itself fairly as to the truth of any allegation that may have been made about the employee. A charge-sheet merely details the allegations so that the employee may deal with them effectively. The enquiry report in this case found nothing more against the appellant than an inability to meet the requirements for the post. None of the three factors catalogued above for holding that the termination was in substance punitive exists here.

33. It was finally argued by the appellant that the intention of the respondents to punish him was clear from the following statement in the affidavit filed on their behalf:

“It is important to mention herein that even honesty and integrity of the petitioner was also under cloud as he took undue favours by misusing his position, from the suppliers and maligned the reputation of the Institute.”

34. That an affidavit cannot be relied on to improve or supplement an order has been held by a Constitution Bench in *Mohinder Singh*

Gill v. Chief Election Commr., New Delhi [(1978) 1 SCC 405 : AIR 1978 SC 851] : (SCC p. 417, para 8)

“[W]hen a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise.”

35. Equally, an order which is otherwise valid cannot be invalidated by reason of any statement in any affidavit seeking to justify the order. This is also what was held in State of U.P. v. Kaushal Kishore Shukla [(1991) 1 SCC 691 : 1991 SCC (L&S) 587 : (1991) 16 ATC 498] : (SCC p. 705, para 13)

“The allegations made against the respondent contained in the counter-affidavit by way of a defence filed on behalf of the appellants also do not change the nature and character of the order of termination.”

29. In *Abhay Jain Vs High Court of Judicature for Rajasthan*¹⁶, where an additional District Judge on probation for a period of two years was subjected to departmental inquiry under Rule 16 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 because of a bail granted by him to one of the accused after refusal of bail by the High Court, Higher Judicial Committee constituted for deciding the confirmation and discharge of judicial officers and upon inspection of his records decided not to recommend the appellant for confirmation. On a Full Court meeting being convened, based on the recommendation of the Higher Judicial Committee, it was decided to discharge the

¹⁶ (2022) 13 SCC 1

appellant. The discharge order dated 27.01.016, disclosed that the appellant's services were unsatisfactory during the probation and therefore he was discharged.

The order being challenged on the ground that it was actually punitive in nature and therefore violated Article 311(2) of the Constitution, the submission advanced on behalf of the respondent that the discharge order was simpliciter and did not violate Article 311(2) of the Constitution, was not found to be worthy of acceptance. The order of the High Court holding that the discharge was simpliciter and not punitive in nature was found to be erroneous, and it was held that instead of terminating the services without enquiry, when the employer chose to hold enquiry into his alleged misconduct or inefficiency or for some similar reason, the termination of his services is by way of punishment because it cast stigma on his competence and therefore he is entitled to the protection of Article 311(2). Holding that the Government had on enquiry, come to the conclusion, rightly or wrongly, that the appellant was unsuitable for the post he held on probation, which was clearly by way of punishment, he was held entitled to the protection of Article 311(2) of the Constitution and more particularly when the substance of the termination order revealed that the discharge was by way of termination.

30. On the contrary, in *State of Punjab Vs Jaswant Singh*¹⁷, when the services of the probationary constable were terminated and the question arose, whether the termination of service was simpliciter or punitive, in the background facts that the respondent had failed to report to training centre without intimation after completion of special duty, the order of discharge appeared to be innocuous one, without this background fact being reflected, in Paragraph 19 the Apex Court held thus:-

19. After considering the various pronouncements on the similar issue, this Court in Sukhwinder Singh [State of Punjab v. Sukhwinder Singh, (2005) 5 SCC 569 : 2005 SCC (L&S) 705] in para 20 observed as thus : (SCC pp. 580-81)

“20. In the present case neither any formal departmental inquiry nor any preliminary fact-finding inquiry had been held and a simple order of discharge had been passed. The High Court has built an edifice on the basis of a statement made in the written statement that the respondent was a habitual absentee during his short period of service and has concluded therefrom that it was his absence from duty that weighed in the mind of the Senior Superintendent of Police as absence from duty is a misconduct. The High Court has further gone on to hold that there is direct nexus between the order of discharge of the respondent from service and his absence from duty and, therefore, the order discharging him from service will be viewed as punitive in nature calling for a regular inquiry under Rule 16.24 of the Rules. We are of the opinion that the High Court has gone completely wrong in drawing the inference that the

¹⁷ 2023 (9) SCC 150

order of discharge dated 16-3-1990 was, in fact, based upon misconduct and was, therefore, punitive in nature, which should have been preceded by a regular departmental inquiry. There cannot be any doubt that the respondent was on probation having been appointed about eight months back. As observed in Ajit Singh v. State of Punjab [Ajit Singh v. State of Punjab, (1983) 2 SCC 217 : 1983 SCC (L&S) 303] the period of probation gives time and opportunity to the employer to watch the work, ability, efficiency, sincerity and competence of the servant and if he is found not suitable for the post, the master reserves a right to dispense with his service without anything more during or at the end of the prescribed period, which is styled as period of probation. The mere holding of preliminary inquiry where explanation is called from an employee would not make an otherwise innocuous order of discharge or termination of service punitive in nature. Therefore, the High Court was clearly in error in holding that the respondent's absence from duty was the foundation of the order, which necessitated an inquiry as envisaged under Rule 16.24(ix) of the Rules.”

31. Since no formal departmental inquiry nor any preliminary fact-finding inquiry had been held and a simple order of discharge was passed, the High Court which had founded its observation on the basis of the statement made in the written statement that the respondent was a habitual absentee during his short period of service, it was held that there was no direct nexus between the order of discharge of the respondent from service and his absence from duty and therefore, the order of discharge cannot be viewed as punitive.

32. Very recently in the case of *Swati Priyadarshini v. State of Madhya Pradesh*¹⁸, the Apex Court dealing with the termination of the Assistant Project Coordinator under the Sarv Shiksha Abhiyan, appointed on a contract basis subject to evaluation of work in the first year, found that the order was stigmatic, although it appeared to be innocuous was not found to be so, as the appellant was the victim of malafide counter action and therefore necessarily warranted an inquiry, and the protection offered under Article 311(2), as she was issued a show cause notice, wherein charges were specifically formulated. The termination order however merely recorded that the authority is not desirous of extending the contract, as her performance was found to be unsatisfactory.

A single Judge allowed the writ petition, by recording that the termination order was stigmatic in nature and therefore, it could not have been passed without holding a regular inquiry. The Division Bench however had reversed the finding of the Single Judge by recording that the order was non-stigmatic and non-punitive.

The Apex Court while restoring the order of the Single Judge directed reinstatement of the appellant and also reserved liberty to

¹⁸ 2024 SCC OnLine SC 2139

the respondent to take action against the appellant in future apropos her official duties on the post in question, if the situation so arises.

33. In a comparatively recent decision of the Apex Court in the case of *Sarita Chaudhary Vs High Court of Madhya Pradesh and another*¹⁹, Justice B. V. Nagarathna speaking for the Bench, dealing with the termination order issued to three women Judicial Officers of District Judiciary of State of Madhya Pradesh, in the background of termination of their services on the recommendation of the Full Court by taking into consideration their ACR gradings, disposal statistics, adverse remarks, and appreciating their overall performance examined the issue in detail.

On a detailed analysis of the fact and prevailing law on the point right from the decision in the case of *Purushottam Lal Dingra* (supra) as early as in 1958, as well as the decision in the case of *Dipti Prakash Banerjee* (supra), the cases of three judicial officers were scrutinized independently to conclude that the ground of “poor performance” as well as other material in the form of complaints formed the foundation of the officer to be terminated which necessarily contemplated affording opportunity to be given before the termination, having regard to Article 311 read with

¹⁹ (2025) SC OnLine 459

relevant Conduct Rules. Concluding that the impugned termination by way of punishment as surrounding circumstances clearly revealed that the terminations were, inter alia, founded on the allegations of the complaints of misconduct and “inefficiency” and was stigmatic in nature, the resolutions of the Administrative Committee followed by resolution of the Full Court as well as the order of the High Court and Government orders in respect of two officers were found to be illegal and contrary to the established principles of law and they were set aside.

34. In the wake of the exposition of law to the aforesaid effect, we have to consider whether the impugned order, terminating the services of the petitioner on the ground of unsatisfactory performance, is stigmatic/punitive and whether the petitioner is entitled to protection under clause (2) of Article 311 of the Constitution of India.

The appointment order issued to the petitioner, initially was purely on a temporary basis on consolidated salary which was continued from 19.06.2018 till he was appointed on the post of Assistant Professor in Physical Chemistry pursuant to an advertisement being issued and the procedure for recruitment having been followed. He was then appointed on probation for one

year. This period of probation was further extended by a period of one year and on conclusion of this period on 11.10.2022, when his self-assessment report was assessed, his performance was found to be unsatisfactory and the confirmation of his services was not recommended. The Assessment report of the petitioner was placed before the Executive Council in its meeting as the Executive Council is the appointing authority and after noting the recommendation of the Dean of the school of Chemical Sciences, including the material on record and the recommendation of the Vice-Chancellor not to confirm the services of the petitioner, his services were terminated in view of “his unsatisfactory performance”.

The thrust of the argument of Mr Desai is on words “including material on record” in the impugned order. In an attempt to search what could be the said material, we have minutely gone through the contents in the petition and what is brought to fore light is a Note dated 28.02.2022 and a further Note dated 21.09.2022.

The first Note refer to the casual leave availed by the petitioner from August 2021 and it also records that on 14 Saturdays during which he did not attend the office, he had only indicated one-day casual leave for Saturday on 18.09.2021 on the muster roll but did

not apply for the same. For remaining 13 Saturdays of absence no leave was applied by him nor absence is indicated on the muster roll.

The Note further records that he is entitled for 8 days of casual leave for the period from August, 21 to May 2022 and he has applied for 5 days of casual leave but he absented himself for 8 days and not applied for any kind of leave but casual leave was mentioned on the attendance register.

The Note also records that on 11 days, his presence is not marked in the muster roll and his absence is indicated with a circle by the Dean and therefore, there is need to regularise 32 days of absence. He is therefore advised to avail extraordinary leave to regularise his absence.

35. Another Note dated 21.09.2022 is by the Registrar, asking Mr Gobre to apply for extraordinary leave of 32 days in order to regularise his absence from duties and therefore, it was decided by the authorities of Goa University to stop his monthly salary until further orders.

It is in this background, the petitioner responded through his communication dated 23.09.2022 when he prayed for consideration of his extraordinary leave of 32 days and requested to withdraw the decision of stopping his salary.

36. This is the only material on record, even as per the petitioner and this reflects upon his act of not applying for leave or his absenteeism without applying for leave. This, however, did not pose a serious issue to the employer as despite his availing casual leave, an option was open for him to apply for extraordinary leave for regularisation of his absence.

The aforesaid noting and response from the petitioner according to us do not amount to “foundation” for his “unsatisfactory performance” which is a cause for not extending his period of probation and not confirming in service and instead terminating his services.

Though Mr Desai has insisted upon the material, this is the only material which is available against the petitioner and even from the pleadings in the petition itself as well as the affidavit in reply, we do not find any attribute of misconduct, negligence, inefficiency against the petitioner.

37. It is a well-settled position that misconduct, negligence, inefficiency or other disqualifications may be the motive or guiding factor which may influence an employer to take action in terms of the contract of the employment or specific Service Rules, if a right

exists under the contract to terminate the services. If the termination of services is founded on the right claimed from the contract or service rules, then such termination may not be punitive and shall carry no civil consequences and therefore, Article 311 of the Constitution has no applicability. However, if the Government in the backdrop of the misconduct, negligence or inefficiency being attributed that the disqualification intend to put to an end to the services of its employee or cause his dismissal or removal or reduction in rank, in such a case employee is entitled for protection under Article 311 of the Constitution.

The termination of service of such an employee on such ground would be punitive in nature as it operates as a forfeiture of his right and he is visited with the evil consequences of loss of pay and allowances and also cast stigma on the future prospects of an employee. Therefore, the test to be applied is (a) whether the servant has right to the post or rank and (b) whether he is visited with evil consequences of loss of pay or allowances or whether his future prospects are at stake.

38. The petitioner before us was appointed purely on probation for a period of one year. The object of probation is to provide the employer with an opportunity to evaluate the probationer's performance and suitability. Before the services of the probationer

are confirmed, it is open for the employer to assess his overall performance and this may include consideration of various factors like his capability to discharge the functions, integrity, character and morality etc. The appointment to the post on probation gives to the person so appointed no right to the post and it is the employer, who is well within his power to terminate the services without taking recourse to the procedure laid down in the relevant rules to dismiss him or remove him from his services. The termination of an employee holding a post on probation, without any inquiry whatsoever cannot be said to deprive him of any right to the post and do not amount to punishment. But, instead of putting to an end to the services of the employee without any inquiry, if the employer during the period of probation chooses to hold an inquiry into his alleged misconduct or inefficiency or for some similar reason, then the termination of his service is by way of punishment, as it definitely now cast stigma on his competence and will have impact on his future career prospects and therefore, in such situation, he is entitled for protection of clause (2) of Article 311 of the Constitution. But when the employer simply terminates the services of a probationer without holding an inquiry and without giving an opportunity showing cause against his removal from service, the probationary civil servant shall have no cause of action, even though the real motive behind the removal from service may

have been that the employer thought him to be unsuitable for the post which he was temporarily holding, despite the fact that he was of the opinion that he is not fit to be regularised. But when the employer holds an inquiry into alleged misconduct, then definitely the employee deserves protection and has to be afforded an opportunity of showing cause, but if without casting aspersion on his honesty or competence, the discharge takes place, it definitely do not amount to removal and employee then will not be entitled for protection of Article 311(2) of the Constitution.

39. The test for attracting Article 311(2) of the Constitution is whether the misconduct or negligence is a mere motive in issuing the order of termination or whether it is the very foundation of the order of termination of the service of a temporary employee.

The form of the order, is not conclusive of its true nature but the entirety of the circumstances preceding or attending the impugned order must be examined by the Court and the overriding test would always be whether the misconduct is mere motive or whether it is foundation of the order.

Where the form of the order is merely a camouflage for an order of dismissal for misconduct, it is always open to the court before which the order is challenged to go behind the form and

ascertain the true character of the order and if the court find that the form is merely a cloak for determination of employment, then the court must give effect to the rights conferred by law on an employee.

It is also not only the order which is to be looked in to so as to ascertain its basis or foundation but for determining the true nature of such an act, it is also permissible to refer to the attending circumstances, accompanying documents, which may be integral part of the order of termination.

The decisive factor is therefore the intention of the employer and whether he has arrived at a conclusion without attributing any misconduct, negligence or malafides to his employee, so as to continue his services but if the employer is of the opinion that because of the certain attributes other than his misconduct, he do not intend to continue his services and his act being foundation of the order of termination, such a simpliciter order of termination, if issued, cannot be the foundation.

In the words of the Apex Court in the case of ***Chandra Prakash Shahi Vs State of U.P.***²⁰, the “motive” is the moving power which impels action for a definite result or "motive" is that which

²⁰ (2005) 5 SCC 152

incites or stimulates a person to do an act. What is that factor which impelled the employer to take this action? If it was the factor of the general unsuitability of the employee for the post held by him, the action would be upheld in law. If, however, there were allegations of serious misconduct against the employee and a preliminary enquiry is held behind his back to ascertain the truth of those allegations and a termination order follow thereafter, the order, having regard to other circumstances, would be founded on the allegations of misconduct which were found to be true in the preliminary enquiry and if the termination is founded on this report, then, it definitely is punitive in character, as it was founded on the allegation of misconduct.

40. In the case of the petitioner, we do not find any misconduct being attributed to him and the two Notes appended to the petition definitely are not indicative of any misconduct or negligence but are only an indication to the petitioner to regularise his period of absence and what is pertinent to note is the petitioner even adhered compliance, by submitting an application seeking extraordinary leave and also requested for its due consideration by preferring representation.

The Note warning him that he should be careful in future is definitely not the foundation of the impugned order dated 11.10.2022, which simply terminate the services of the petitioner, a probationer without holding any inquiry and without being preceded by any show cause notice but on the ground that despite an opportunity being offered to him, by extending the probation period of one year, his performance is found to be “not satisfactory”, so as to confirm his services.

The impugned order do not attribute any blemish, disgrace to the petitioner nor is it founded on any attribute of misconduct and therefore, applying the test laid down by the authoritative pronouncement of the Apex Court, wherein the termination from services do not involve any stigma neither there are any civil consequences nor when it is founded on misconduct, the order can be said to be punitive. In our considered view the impugned order is an order of termination simpliciter since the University was not satisfied with the performance of the petitioner, who was under watch after his appointment by keeping him on probation. The foundation of the impugned order is not misconduct, negligence, inefficiency or other like disqualifications but the motive behind the order, simpliciter being that the employer did not want the

petitioner, to be in its service as it was of the opinion that his performance was not satisfactory.

The termination of the petitioner is owing to unsuitability, having regard to the nature of the job it definitely cannot be said to be stigmatic. When the employer engages an employee on probation and before his case is considered for confirmation, it is definitely a prerogative of the employer to be satisfied with the nature of work and suitability of the probationer, which may call for some inquiry not necessarily an inquiry into the allegations of misconduct, negligence but simply to ascertain suitability of a person for the post and in the peculiar circumstances when the petitioner was assessed only on the basis of his performance, and on having found that his performance was not satisfactory, the termination of his services definitely is not stigmatic and therefore, would not call for an opportunity of hearing, being a probationer.

41. We do not agree with the submission of Mr Desai that the impugned order is merely a camouflage for an order of dismissal for misconduct or that it is cloak for an order of punishment, from the Note appended to the petition and response of the petitioner, and probably only point of discord with the employer is his absence from duty, which was also suggested to be regularised by making an

application for extraordinary leave which suggestion the petitioner immediately accepted and complied with.

We do not find any purported inquiry into the conduct of the petitioner to assess this fact as we are of the clear opinion that the employer definitely has a right to take note of his negative points or lacunas in his behaviour, as he is under watch, while on probation. When no inquiry was held by the employer and no findings are arrived at, preceding the order of termination, but a decision on the part of the University was only not to continue the petitioner, it is only a case of 'motive', and not the 'foundation' to render the simple order of termination to be invalid.

Heavy reliance has been placed on the decision in the case of *Dipti Prakash Banerjee* (supra) also do not take the case of the petitioner any further as the Apex Court was confronted with the order of termination dated 30.04.1997 which though prima facie appeared to be an innocuous order, it was preceded by a letter from the Directorate of Organization on 11.12.1995 highlighting that his work was not satisfactory on several counts which included serious accusation of preparing false bills; misbehaviour with women academic staff, absenteeism from the office premises, handling of the room allocations in the guest house, disobedience of the orders of the superior etc. Another communication dated 15.04.1996 also highlighted serious lapses on the part of the appellant which specific

instances being cited which prompted him to file an elaborate reply of five pages denying all the allegations and giving his version of the incidents and also seeking certain information. There was also a reference to the report of the Administrative Officer in the background, revealing that the attention of the appellant was drawn to various areas of unsatisfactory performance but it was alleged that no improvement was discernible. Once again there was communication after the extension period of probation, castigating the appellant with serious charges, partaking the nature of inquiry and in fact a report was also submitted by a high level inquiry committee which deals with the complaint filed against him by one physically handicapped person.

The inquiry report recorded that the appellant was not cooperative in the inquiry and rather was involved in a scuffle and had also put to use a false signature and the inquiry committee therefore, recommended that he should be punished and a person of such dubious character should not be confirmed.

42. It is in this background the termination order was issued on 30.04.1997 and the Apex Court determined the question whether the order is vitiated by “stigma”.

In Para 35 of the said Law Report, there is a reference to some “material” when the Supreme Court held that stigma need not be contained in the order of probation but might be contained in any document referred to in the document or its annexures, as obviously such document could be asked for or called for in future by the employer of the probationer and in such case the termination order would stand vitiated on the ground that no regular inquiry was conducted.

43. The aforesaid observations in Para 35 of the Law Report are peculiar to the facts before the Apex Court where the termination of the appellant was preceded by a preliminary inquiry as well as several imputations of misconduct and therefore, when the impugned order referred to the letters dated 30.04.1996, 17.10.1996 as well as 31.10.1996, which contain reasons for extension of probation, the Apex Court clearly held that it is this “material”, which necessarily is indicative of the stigma and not only the order but the material should be also taken into account.

However, as far as the case of the petitioner is concerned, even there is no reference to Note and in fact there is also no “material” against the petitioner which could be viewed as adverse to his performance and therefore, we are of the clear view that the impugned termination is an order of termination simpliciter, with

no indication of stigma and hence in our considered view the petitioner do not deserve the protection as per clause (2) of Article 311 of the Constitution and finding no fault in the impugned order on this count, the petition deserves to be dismissed.

44. Another incidental argument advanced before us is with respect to the applicability of the provisions of the Statute to the case of the petitioner to which we must make a brief reference.

As the appointment order of the petitioner clearly indicated that the appointment order issued by the Registrar of Goa University, on the Pay Scale mentioned therein, he being appointed on the establishment of the Goa University, which has framed the Regulations including SB-15, a Statute on minimum qualifications for appointment of teachers and other academic staff in University and other measures for the maintenance of standards in Higher Education, 2018.

The aforesaid Statute governing the qualifications for the posts of Senior Professor, Professors, Teachers and other academic staff in the University and revision of pay scales and other service conditions pertaining to such posts. The coverage of the scheme makes it very clear that the petitioner being appointed as an

Assistant Professor would fall within its ambit and has rather derived the benefits of this Statute. SB-15.10.5 stipulated thus:-

“All other central Government rules on probation and confirmation shall be applicable mutatis mutandis.”

45. We are satisfied that the service conditions of the petitioner are governed by SB-15 and therefore, the contention of Mr Desai that Goa University’s Statute SA-19 is applicable to him is rejected.

46. The Central Government Rules on probation and confirmation, make it imperative to ensure compliance of Article 311(2) and since this point we have already determined in the foregoing paragraphs, and having arrived at the conclusion that the petitioner as a probationer is not entitled for deriving benefits of sub-clause (2) of Article 311 of the Constitution, we do not find merit in the submission of Mr Desai that the order is vitiated only on the ground that the decision of the Executive Council was not communicated to the petitioner in advance prior to the completion of his period of probation.

47. In the wake of the aforesaid since we do not find that the impugned order dated 11.10.2022 terminating the services of the petitioner is violative of sub-clause (2) of Article 311 of the

Constitution or of any service rules by which he is governed, by upholding the order, the writ petition is dismissed.

Rule is discharged.

Easy on costs.

NIVEDITA P. MEHTA, J

BHARATI DANGRE, J