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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.86 OF 2019

1. HIGHER SECONDARY AND
COLLEGE ATTENDANTS,
ASSOCIATION OF GOA,
REGISTERED SOCIETY
BEARING REGISTRATION NO.
618/GOA/2008,
HAVING ITS REGISTERED
OFFICE AT F-6, BLOCK 4,
GALAXY APPARTMENTS,
KHORLIM, MAPUSA,
BARDEZ GOA, THROUGH ITS
PRESIDENT MR JOHN P. MONIZ.

2. VITHAL KASHINATH NAIK
SON OF KASHINATH NAIK
RESIDENT OF H.NO.260,
SATERI BHAT
VOLVOI, PONDA GOA.
EMPLOYED AS LAB
ATTENDANT AT PEOPLE
HIGHER SECONDARY SCHOOL,
MALA PANJIM GOA.

3. PRASHANT SUBHASH NAIK
SON OF SUBHASH NAIK
AGE 50 YEARS,
RESIDENT OF H.NO. 16/40/7
KHARIWAD, BITONNA,
BARDEZ GOA.
EMPLOYED AS LIBRARY
ATTENDANT AT VIDHYA
PRABHODINI HIGHER
SECONDARY PORVORIM, GOA.

...PETITIONERS

Versus

1. STATE OF GOA,
THROUGH ITS CHIEF
SECRETARY, SECRETARIAT,
ALTO PORVORIM, GOA.

2) DIRECTORATE OF HIGHER
EDUCATION,
GOVERNMENT OF GOA,
PORVORIM, GOA.

3) DIRECTOR OF HIGHER
EDUCATION,
GOVERNMENT OF GOA,
PORVORIM GOA.

4) GOA UNIVERSITY
TALEIGAO PLATEAU,
BAMBOLIM, GOA.

...RESPONDENTS

Mr S.S. Kantak, Senior Advocate with Mr Dharmanand R. Vernekar and Ms Neha Kholkar, Advocate for the Petitioners.
Mr D. Pangam, Advocate General with Ms Maria Correia, Additional Government Advocate for Respondent Nos.1 to 3.
Mrs A. Agni, Senior Advocate with Ms A. Harihar and Mr J. Shaikh, Advocates for Respondent No.4.

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

DATE : 30th JULY 2025

JUDGMENT : (Per Nivedita P. Mehta, J.)

1. Heard Mr S.S. Kantak, learned Senior Advocate along with Mr D. Vernekar and Ms N. Kholkar for the petitioners, Mr D. Pangam,

the learned Advocate General along with Ms Maria Correia, the learned Additional Government Advocate for respondent nos.1 to 3 and Mrs A. Agni, learned Senior Advocate along with Ms A. Harihar and Mr J. Shaikh, learned counsel for respondent no.4.

2. Rule. The rule is made returnable forthwith with the consent of and at the request of the learned counsel appearing for the parties.

3. The Petitioners pray that this Hon'ble Court be pleased to issue an appropriate writ, order or direction declaring the impugned order No. ADMN/ASSESSMENT OF MANPOWER/28/2018/3293 dated 25th October 2018, and related orders No. ADMN/ASSESSMENT OF MANPOWER/28/2018/3214 dated 14th October 2018 and No. DL/19/7/1017 Adm-I/1072 dated 22nd November 2017, as illegal and void to the extent they redesignate the posts of Laboratory Attendant, Library Attendant and Computer Lab Attendant, as 'Multi-Tasking Staff', despite the Petitioners' original appointments being to distinct posts.

4. Succinctly stated, the petitioner, no.1 is a registered society engaged in handling the issues pertaining to attendants in higher secondary institutes and colleges in the State of Goa and the petition is filed upon a resolution being passed for filing the present petition.

Various members of the petitioner Association were appointed to the posts of Laboratory Attendant, Library Attendant and Computer Lab Attendant. In 2015, a charter of demands was raised by the

petitioner Association as regards its members in various institutions across the State of Goa. The demands inter alia included that the laboratory and library attendants should be treated as Group 'C' employees and that the duties of laboratory, library and computer lab attendants should be in the laboratories and library attendants in the library.

Respondent No.1 referred the said disputes pertaining to the demands as aforementioned to the Industrial Tribunal. It is pertinent to note that some of the disputes referred to have already been settled between the Association and the Institution, and the terms of settlement have been filed.

5. The petitioners submit that, in view of the Office Memorandum No. AB.14017/6/2009-Estt(RR) dated 30.04.2010 issued by the Union of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, it was recommended that all Group 'D' posts in the Government be upgraded to Group 'C' posts, to be placed in Pay Band-I with Grade Pay of Rs.1800/-. Pursuant thereto, Respondent No.1 framed Recruitment Rules vide Notification No. 01/02/2012-PER dated 13.03.2015, whereby all Group 'D' posts were redesignated as *Multi-Tasking Staff*, prescribing the essential qualification for the said posts as Secondary School Certificate Examination (SSCE)/Class X pass or ITI equivalent.

6. The petitioners contend that Respondent No.1 acted arbitrarily in applying the provisions of the aforementioned memorandum and recruitment rules retrospectively to the petitioners, who had been engaged in service prior to the issuance of the Notification dated 13.03.2015. It is the case of the petitioners that such retrospective application adversely impacted their service conditions and entitlements without affording them any opportunity to be heard.

7. It is further submitted that, vide Order No. 1/2/2012/PER dated 21.11.2016, Respondent No.1 redesignated certain Group 'D' posts as *Multi-Tasking Staff* (Group 'C') with immediate effect. The posts so redesignated included, inter alia, the posts of Laboratory Attendant, Library Attendant, and Computer Lab Attendant. The revised duties assigned to such Multi-Tasking Staff included tasks such as cleaning rooms, maintaining parks, lawns, and potted plants, along with watch and ward duties. The order issued by Respondent No. 2, dated 14.10.2018, referring to the earlier order dated 14.08.2018, whereby the posts of Laboratory Attendant, Library Attendant, and Computer Lab Attendant have been designated as Multi-Tasking Staff (Group C), and wherein the petitioner has been further assigned duties such as watchman, cleaning and sweeping, driving, etc., which were neither part of nor contemplated in the terms of the petitioner's initial appointment, is illegal, arbitrary, and without authority of law.

8. Subsequently, by Notification dated 25.10.2018, published in the Official Gazette under Order No. ADMN/ASSESSMENT OF

MANPOWER/28/2018/3293, the redesignation of the aforesaid posts as Multi-Tasking Staff was formalized.

9. Pursuant to the impugned orders and the subsequent notifications issued by the respondents, various educational institutions have proceeded to restructure their staffing patterns. As a consequence thereof, individuals previously appointed to the posts of Laboratory Attendant, Library Attendant, and Computer Lab Attendant have now been redesignated to posts equivalent to the positions such as Peon, Chowkidar, etc.

10. The petitioners assert that, at the time of their initial appointment, they had applied for and were selected specifically for the posts of Laboratory, Library and Computer Lab Attendant, in accordance with the then prevailing recruitment rules and defined scope of duties. The petitioners contend that the duties and responsibilities associated with these posts were distinct and functionally different from those attached to menial or general service staff.

11. It is the petitioners' grievance that the subsequent redesignation of these posts as Multi-Tasking Staff has resulted in a fundamental alteration of their service conditions, thereby causing undue hardship and prejudice to the employees. The petitioners further submit that, had the recruitment notifications originally specified duties of a multi-tasking or menial nature, several of the applicants, including members of the petitioner organisation, would not have applied for the said posts.

12. It is further contended that, upon refusal by certain members of the petitioner organisation to perform duties that were unconnected with their original appointments, such employees were issued memorandum and show cause notices, thus subjecting them to unwarranted disciplinary action and harassment. The petitioners allege that such actions have resulted in grave prejudice, mental distress, and demoralisation of the affected staff members.

13. The petitioners contend that the basic pay scale of Library, Laboratory and Computer Lab Attendants in various schools, higher secondary institutions, and colleges has historically been distinct from that of other menial staff. The members of the petitioners' organisation were initially appointed in posts carrying a higher pay scale, and the nature of duties assigned to them was qualitatively different from those of other menial employees.

14. The petitioners place reliance on a letter dated 21.08.1991, which, in reference to the circular dated 21.11.1990, clarified that peons deputed to work as Laboratory or Library Attendants cannot be regarded as Laboratory or Library Attendants. It was further clarified therein that such persons are to be designated as Peons in the pay scale of ₹750–940, whereas those appointed as Laboratory or Library Attendants in accordance with the prescribed recruitment rules are entitled to the higher pay scale of ₹800–1150. The petitioners further state that they have been in continuous service since 21.05.1990, pursuant to the Government's sanction for the creation of posts, which

specifically included separate posts for Laboratory Attendants and Peons, each carrying different pay scales. The posts of Laboratory Attendant and Library Attendant were, therefore, distinct from other menial posts.

15. It is the case of the petitioners that the duties of Laboratory/Library and Computer Lab Attendants are confined to the functioning of the laboratory and library, respectively. The appointees to these posts cannot be compelled to perform duties outside the laboratory or library, or duties unrelated thereto. The petitioners submit that, by virtue of the order dated 14.08.2018, they were directed to perform duties such as watchman services, cleaning and sweeping of entire buildings, driving, and other ancillary work wholly unconnected to their original appointment. The subsequent order dated 14.10.2018 issued by Respondent No. 3, and the order dated 22.11.2017 issued by the Director of Education pursuant to the Office Memorandum dated 21.11.2016, are, according to the petitioners, inapplicable to them. They contend that they were appointed as Laboratory/Library and Computer Lab Attendants with higher pay scales and requisite educational qualifications distinct from other Group 'D' employees, and that the nature of their duties is not comparable.

16. It is their grievance that the impugned redesignation of their posts as "Multi-Tasking Staff" is arbitrary, contrary to the recruitment rules, and violative of their service conditions. The petitioners have,

therefore, assailed the aforesaid orders dated 25.10.2018, 14.10.2018, 22.11.2017 and 21.11.2016 by way of the present writ petition.

17. Mr S.S. Kantak, learned Senior Counsel, appearing along with Mr D. Vernekar, for the petitioners, made the following submissions:

17.1 The assignment of the posts of Laboratory Attendant, Library Attendant, and Computer Laboratory Attendant under the category of Multi-Tasking Staff (MTS) is wholly illegal, arbitrary, and in contravention of the provisions of law, and therefore liable to be quashed and set aside. It is urged that such an assignment violates the fundamental rights of the members of the Petitioners' Organisation, inasmuch as the said reclassification deprives them of the status, service conditions, and dignity attached to their respective posts. It is further submitted that the impugned action is in clear violation of the Recruitment Rules, as the duties of Laboratory Attendant, Library Attendant, and Computer Laboratory Attendant are specific and confined to their respective laboratories or libraries. On the contrary, the duties of Multi-Tasking Staff are more enlarged, multifarious, and of a general nature.

17.2 Moreover, serious prejudice has been caused to those candidates who had applied and were selected for the posts of Laboratory Attendant, Library Attendant, and Computer Laboratory Attendant with a legitimate expectation that their duties would be confined to the laboratory or library, as prescribed under the Recruitment Rules. By

clubbing such posts with Multi-Tasking Staff, unequal classes of employees are being treated alike, thereby amounting to hostile discrimination. It is submitted that the redesignation of the Petitioners' posts with menial categories of staff under the caption of Multi-Tasking Staff not only undermines the scope of their duties but also adversely affects their service prospects and dignity.

17.3 The Office Memorandum dated 30.04.2010, issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, recommended the upgradation of all Group 'D' posts in the Government to Group 'C' posts in Pay Band-I with Grade Pay of Rs. 1800/-. Pursuant thereto, respondent No. 1 framed Recruitment Rules vide Notification dated 13.03.2015, designating all Group 'D' staff as 'Multi-Tasking Staff' (MTS) with the essential qualification of SSCE/Xth/ITI pass. However, it is submitted that respondent No.1 has arbitrarily applied the said Memorandum retrospectively to the petitioners who were already working prior to the issuance of the Notification dated 13.03.2015. The petitioners place reliance on the order dated 14.08.2018, whereby the posts of Laboratory Attendant, Library Attendant, and Computer Laboratory Attendant were also subsumed under the designation of 'multi-tasking staff'. Such inclusion is illegal and untenable. The duties performed by these petitioners are materially different from those of other Group 'D' employees, warranting classification in a distinct cadre or class.

17.4 The arbitrary inclusion of Laboratory Attendant, Library Attendant, and Computer Laboratory Attendant within the ‘multi-tasking staff’ cadre effectively amounts to a downgrading of their service conditions and cadre status. Consequently, the order dated 14.08.2018 is per se illegal, arbitrary, and liable to be quashed.

17.5 Further, the petitioners rely on the order dated 23.03.2011, wherein a Laboratory Attendant was justified in refusing to perform menial work unrelated to his appointed post, as upheld by the Director of Education, Panaji, on appeal against a minor penalty imposed for the refusal. This decision underscores the distinct nature of the duties associated with the Laboratory Attendant’s post.

17.6 The Recruitment Rules issued vide Notification dated 26.03.2015 prescribe distinct educational and other qualifications for these posts, namely:

- (i) Passing the Secondary School Certificate Examination from a recognised Board/Institution or possessing an equivalent qualification from a recognised Industrial Training Institute;
- (ii) Knowledge of Konkani is essential; and
- (iii) Desirable knowledge of Marathi and multi-tasking skills such as operating office machines, including computers.

The qualifications and nature of duties prescribed for Laboratory Attendant, Library Attendant, and Computer Laboratory Attendant are distinct from those of general Multi-Tasking Staff.

Therefore, these posts ought to be recognized as separate classes and not be merged under the designation of 'Multi-Tasking Staff'.

17.7 The petitioners also challenge the order dated 22.11.2017 and the official Gazette of the Government of Goa dated 25.10.2018, whereby Laboratory Attendant, Library Attendant and Computer Lab Attendant were brought under the MTS designation in Group 'C'. It is submitted that this order and the Government Gazette should not be applied to employees whose initial appointments were made expressly against the posts of Laboratory Attendant, Library Attendant, or Computer Laboratory Attendant.

18. The learned Advocate General, appearing along with Ms Maria Correia, the learned Additional Government Advocate, for respondents, has argued as under:

18.1 The present dispute pertains to the re-designation of the Group 'D' post holders to 'multi-tasking staff' in the Higher Secondaries as well as in the Colleges across the State of Goa. The 6th Central Pay Commission recommended that all Group 'D' posts in the Government of India will be upgraded to Group 'C' of Pay Band-I with grade pay of Rs.1800/-. It further recommended that in the future, there will be no further recruitment in Group 'D' and that there shall be multi-skilling, with one employee performing the jobs hitherto performed by different Group 'D' employees with a common designation for these posts. Erstwhile Group 'D' posts have been upgraded and merged to pay band

I with grade pay of Rs.1800/- and have been redesignated as 'multi-tasking staff'.

18.2 The Government of India took a policy decision to adopt the recommendations of the 6th Central Pay Commission and vide Office Memorandum dated 30.04.2010 the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training issued model Recruitment Rules for the posts which were in Group 'D' Scales prior to 6th pay commission have been placed in Group 'C'. All the Ministries and Departments were requested to amend the Recruitment Rules, accompanied by an indicative list of duties of the "multi-tasking" accordingly. The benefits envisaged by the 6th CPC of the recommendation were that it would meet the demands raised by various associations seeking higher pay scales for various Group 'D' posts. It was concluded therein that the scheme will not harm the interests of any of the existing Group 'D' employees as all of them will be placed in the higher PB-I Pay Band along with a grade pay of Rs.1800/- and finally that the Government will benefit by having a skilled workforce that will be more capable of performing multiple tasks thereby increasing efficiency and the output.

18.3 The Department of Personnel, Government of Goa, framed Recruitment Rules vide Notification No. 1/2/2012-PER dated 13/03/2015 published in the Official Gazette SERIES I No. 52 dated 26.03.2015. Recruitment of various Group 'D' Posts continued in several departments under the Erstwhile Recruitment Rules. The Office

Memorandum dated 21.11.2016, in furtherance of the policy of the Government of India, certain steps were taken to mitigate the hardships faced by the Employees and Departments. By the said Office Memorandum, it was provided that 'All employees recruited after 01.01.2006, under various posts in Group 'D' category and who possess the minimum educational qualification of SSCE (Xth) pass/ITI pass, shall be placed in PB-I, Rs. 5200-20200 + Rs. 1800/- (Grade Pay). Further with respect to Group 'D' Employees who do not possess the revised minimum educational qualification of pass/ITI pass, recruited after 01.01.2006 and who were not covered under the Finance (R & C) Department's Circular dated 15.04.2009, shall undergo a training preferably within a period of 3 months and upon re-training the said Group 'D' staff will also be placed in the Pay Band PB-I with the Grade Pay of Rs.1800/-. The fixation of pay in light of the introduction of the 'multi-tasking staff' was to be notionally done as on the date of appointment or as on the date of completion of training. Actual benefits have been paid from 01/01/2016 or on the date of completion of training, as applicable.

In the Official Gazette dated 25.10.2018, Laboratory Attendants, Library Attendants, Cleaner cum conductor, Field and Plant Collector, Gymkhana Peon and Computer Lab Assistants were redesignated as 'multi-tasking staff' considering the Policy decision of the respondent no.1.

18.4 The petitioners have failed to challenge the said Office Memorandum No.1/2/2012-PER dated 21.11.2016 and the Office

Memorandum of the Department of Personnel & Training dated 30.04.2010.

18.5 The communication dated 21.08.1991 and the Circulars dated 21.11.1990, 17.05.1993 depict the position as it existed prior to the implementation of the recommendations of the 6th Central Pay Commission. As on date, the basic qualifications of all the staff re-designated as MTS, i.e, peons, library attendants, laboratory attendants, and computer lab attendants are the same. The re-designation as MTS is an outcome of the policy decision of the State Government based on recommendations of the 6th Central Pay Commission.

18.6 The Industrial Disputes settlements of some education institutions referred to by the petitioners have been rendered null and void in view of the Government Order dated 25.10.2018. One settlement entered between the parties placed on record, the same mentions that the duties of laboratory/library attendants shall be as per the rules fixed by the Directorate of Higher Education, Government of Goa, which are subject to change on receiving the new circulars(notifications). Moreover, other settlements placed on record between the parties cannot override the executive policy adopted and subsequently enacted by the State Government.

18.7 At the time of recruitment, merely because an individual was appointed to the post of Laboratory attendant, Library attendant, or Computer Lab attendant does not preclude the said person from

discharging duties of a Multi-Tasking Staff in light of their re-designation as MTS. It is denied that the duties attached to the posts of Laboratory, Library and Computer Lab Attendant are wholly distinct from the duties assigned to Multi-Tasking Staff (MTS).

18.8 The Court under Article 226 ought not to interfere in the matter of a policy adopted by the respondent no.1, as that is a decision for the administrators to take upon an examination of the various facets before them and the inputs they receive from various sources. A comprehensive and detailed study was carried out by the 6th Central Pay Commission prior to making the recommendations.

19. Having heard the learned counsel for the respective parties, the rival contentions fall for our consideration.

20. It is not in dispute that, pursuant to the acceptance of the recommendations made by the Sixth Central Pay Commission, the Government of India adopted a conscious policy decision to restructure and upgrade posts previously classified under Group 'D' to Group 'C'. In line with this decision, the Commission further recommended, inter alia, the following measures: (i) there will be no further recruitment in Group 'D', (ii) the existing Group 'D' posts will be placed in Group 'C' pay-band – 1 with Grade Pay of Rs.1800/-, (iii) the minimum qualification for appointment to this level will be either Xth pass of ITI equivalent, (iv) multi skilling with one employee performing jobs hitherto performed by different Group 'D' employees and (v) common

designation of these posts. In furtherance of the above, the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training (DoPT), issued an Office Memorandum dated 30.04.2010, wherein Model Recruitment Rules were prescribed for the reclassified posts. Vide the said Office Memorandum, all Central Government Ministries and Departments were directed to amend their respective Recruitment Rules in conformity with the Model Rules.

21. The Ministries and Departments were further directed to adopt the common designation of Multi-Tasking Staff (MTS) for certain categories, as specified in Annexure-II to the Memorandum. Additionally, where the nature of duties so permitted, it was directed that a single designation be adopted for posts involving similar functions, thereby facilitating inter-changeability of personnel across various tasks. It was also specifically directed that: (a) the posts are classified as Group 'C', (b) the posts are placed in pay band-1 with grade pay of Rs.1800/- (c) the minimum qualification for appointment is prescribed as 10th pass. Where technical qualifications are considered necessary, ITI in the relevant subject may be prescribed as the minimum qualification.

22. An indicative list of duties for the re-designated posts, now classified as Multi-Tasking Staff (MTS), was also appended as Annexure II. The list of duties prescribed for the Multi-Tasking Staff broadly included a) Physical Maintenance of records of section, b) General Cleanliness and upkeep of the Section/ Unit, c) Carrying of files and

other papers within the building, d) Photocopying, sending of FAX etc., e) other non-clerical work in the Section/Unit, f) Assisting in routine officer work like diary, despatch etc., including on computer, g) Delivering of dak (outside the building), h) watch and ward duties, i) opening and closing of rooms, j) cleaning of rooms, k) Dusting of furniture etc., l) cleaning of building, fixtures etc., m) Work related to his ITI qualifications, if it exists, n) Driving of vehicles, if in possession of valid driving licence, o) upkeep of parks, lawns, potted plants etc., p) any other work assigned by the superior authority. The note below mentioned that the above list of duties is only illustrative and not exhaustive. Ministries/ Departments were granted the liberty to add to the list of duties of a similar nature ordinarily performed by officials at this level. This policy initiative aimed to bring about uniformity in service conditions and functional responsibilities across Ministries and Departments following the implementation of the Sixth Central Pay Commission's recommendations.

23. It is further observed that the Department of Personnel, Government of Goa, vide Notification No.1/2/2012-PER dated 13.03.2015, duly published in the Official Gazette, Series I No. 52 dated 26.03.2015, framed the revised Recruitment Rules in accordance with the reclassification policy. It is further observed that the Recruitment Rules annexed to the Notification dated 26.03.2015 prescribe the essential qualifications for the post of Multi-Tasking Staff (MTS). Notably, the qualifications stipulated therein are substantially

similar to those prescribed for the posts of Laboratory Attendant, Library Attendant, and Computer Laboratory Attendant. As per the prevailing Recruitment Rules, the essential qualification for the post of Laboratory Attendant was completion of Standard VIII or its equivalent, while that for the post of Library Attendant was completion of Standard IX or its equivalent. Currently, the requisite qualification for the post of MTS is a pass in the Secondary School Certificate Examination SSCE/(Xth pass) or possession of an Industrial Training Institute (ITI) certificate. In view of the foregoing, there is no significant distinction in the minimum educational qualifications required for the aforementioned posts, thereby reinforcing the parity between the posts of MTS and those of Laboratory Attendant, Library Attendant, and Computer Laboratory Attendant.

24. By the said Office Memorandum, it was inter alia provided that all employees recruited after 01.01.2006 to various posts under the Group 'D' category, and who possess the minimum educational qualification of Secondary School Certificate Examination (SSCE)/ Class X pass/ITI pass, shall be placed in Pay Band-I (Rs. 5200–20200) with Grade Pay of Rs. 1800/-. Furthermore, in respect of those Group 'D' employees recruited after 01.01.2006 who do not meet the revised minimum educational qualification criteria and who were not covered under the Finance (R & C) Department's Circular dated 15.04.2009, it was directed that such employees shall undergo a training program preferably within a period of three months and upon successful

completion of the said training, they too shall be placed in Pay Band-I with the Grade Pay of Rs.1800/-.

25. The nature of duties presently being made applicable to the petitioners is mentioned in the annexure to the order dated 14.08.2018, which is reproduced herein below for ready reference:

“ANNEXURE-B”

DUTIES OF THE THREE LABORATORY ATTENDANTS IN THEIR RESPECTIVE LABORATORIES FOR 1) PHYSICS INCLUDING GEOGRAPHY 2) CHEMISTRY AND 3) BIOLOGY.

- 1. To help the respective laboratory assistants and the teachers to set up apparatus for experiments proposed for the practical work.*
- 2. To help the respective assistants to maintain the apparatus after the experiments are done by the students and replace the apparatus in place.*
- 3. To wash and clean the tables, apparatus after the experiments are done by the students and replace the apparatus in place.*
- 4. To move material from the Laboratory to the class room and back, required for demonstration of the experiments in Physics, Chemistry, Biology or Geography.*
- 5. To help the teacher in the class room in arranging the apparatus for demonstration.*
- 6. To help to issue the apparatus to the students for experiments in the Laboratory*
- 7. To keep a watch over the students working the Laboratories*
- 8. To work as a messenger for the science teachers between the office and the Laboratories.*
- 9. Filling of relevant correspondence in the Laboratories.*
- 10. To open and close the Laboratories.*
- 11. To sweep the laboratories.*

- 12. To help the Laboratory Assistants to set up experiments at the time of practical Examination of the Board.*
- 13. To bring material that may be required and that may be purchased from the dealers.*
- 14. To help while stocktaking of the Laboratory equipments.*
- 15. To bring gas cylinders as and when required (chemistry Laboratory)*
- 16. To collect specimens from the field under guidance of the Laboratory Assistant or the teacher for the experimental work in Biology.*
- 17. To help the Teacher in Geography to help the filed work in Geography and in arrangement of the Practicals in Geography.*
- 18. Any other Laboratory/office work assigned by the Laboratory Assistants/respective teachers/Principal from time to time if need be.”*

There is no material difference in the duties performed by the Laboratory Attendant, Library Attendant, and Computer Laboratory Attendant on the one hand, and other personnel designated as ‘Multi-Tasking Staff’ on the other. Furthermore, an isolated instance dated 23.03.2011 involving a single Laboratory Attendant cannot confer any enforceable right upon the petitioners to contend that the nature of their duties is distinct from those performed by staff designated as ‘Multi-Tasking Staff’.

26. The Library Attendants were class IV employees, and the Laboratory Attendants and the Computer Lab Attendant were Group D employees. Respondent No.2, vide Order dated 17.10.2018, published in the Official Gazette dated 25.10.2018, which has been issued in pursuance of the order dated 21.11.2016 by the Personal

Department, Government of Goa and the office memorandum dated 30.04.2010 of the Department of Personnel and Training; Government of India, the posts of Library attendants, Laboratory attendants and Computer Lab Attendant have been upgraded to Group C posts in pay band-1 with grade pay of Rs.1800/- and re-designated as multi-tasking staff. The re-designated various Group 'D' posts include Laboratory Attendant, Library Attendant, Cleaner cum Conductor, Field and Plant Collector, Gymkhana Peon, and Computer Lab Assistant, as Multi-Tasking Staff (MTS), in accordance with the broader policy decision taken by Respondent No.1, thereby aligning the nomenclature and responsibilities of such posts with the revised framework adopted pursuant to the recommendations of the Sixth Central Pay Commission.

27. It is pertinent to note that the members of the petitioners' Association, upon their re-designation as Multi-Tasking Staff and consequent upgradation to Group 'C' posts, have accepted the enhanced pay scales and other benefits without any protest or reservation. Having voluntarily availed themselves of the benefits flowing from the said policy decision, the petitioners are estopped from challenging or seeking modifications to the terms and conditions of its implementation. It is a settled principle of law that one cannot approbate and reprobate simultaneously. The petitioners, being beneficiaries of the policy, cannot be permitted to dictate the manner

of its execution or seek to impose conditions contrary to the policy framework under which the benefits were extended.

28. The said recommendations of the Sixth Central Pay Commission were predicated upon the acknowledged need for a multi-skilled workforce capable of performing a variety of functions, thereby enhancing overall administrative efficiency. The Commission noted that, in order to rationalize and economize the manpower structure within the Government, it would be appropriate to upgrade the existing Group 'D' posts by recruiting personnel possessing higher skill levels, without resulting in any additional financial burden on the exchequer.

29. One of the principal objectives underlying the aforesaid recommendation was to address the long-standing demands raised by various service associations for the grant of higher pay scales to incumbents of Group 'D' posts. The Commission noted that the proposed restructuring would facilitate multi-skilling within Government departments, thereby enabling a single employee to discharge multiple functions that were hitherto performed by several Group 'D' employees. It was envisaged that such a framework would allow the Government to offer more competitive pay packages while simultaneously effecting savings through a reduction in the requirement of additional manpower. Significantly, the Commission emphasised that the implementation of the restructuring would not prejudice the interests of existing Group 'D' employees, inasmuch as all such employees would be placed in the upgraded Pay Band-I (Rs.5200–

20200) with Grade Pay of Rs.1800/-, thereby ensuring that no incumbent suffers any financial or promotional disadvantage. On the contrary, the Government would derive benefit from the deployment of a more skilled and versatile workforce, leading to enhanced operational efficiency and improved service delivery.

30. The State Government of Goa took a policy decision to abolish all existing Group 'D' posts; to upgrade such posts to Group 'C', and to redesignate the erstwhile holders of Group 'D' posts as Multi-Tasking Staff (MTS). This decision, as per the State Government, is in consonance with the restructuring framework recommended by the 6th Pay Commission and reflected in the Office Memorandum dated 30.04.2010, which envisages the multi-skilling of employees so as to enable them to discharge diverse functions. It is a settled position in service jurisprudence that the State Government, in its capacity as the employer, possesses the inherent authority to prescribe and modify the duties and responsibilities attached to a particular post. Matters relating to the determination or alteration of the conditions of service, creation of posts, or the assignment and reallocation of duties fall squarely within the domain of executive policy. Accordingly, it is well within the prerogative of the State of Goa/ respondents to effect changes in the service structure, duties, or nomenclature of posts in furtherance of its policy objectives.

31. The Hon'ble Supreme Court in the case of *Maharashtra State Board of Secondary and Higher Secondary Education and Anr. V/s.*

Paritosh Bhupeshkumar Sheth and Ors.¹ has observed at para 16 thus:

“16. In our opinion, the aforesaid approach made by the High Court is wholly incorrect and fallacious. The Court cannot sit in judgment over the wisdom of the policy evolved by the Legislature and the subordinate regulation-making body. It may be a wise policy which will fully effectuate the purpose of the enactment, or it may be lacking in effectiveness and hence calling for revision and improvement. But any drawbacks in the policy incorporated in a rule or regulation will not render it ultra vires and the Court cannot strike it down on the ground that, in its opinion, it is not a wise or prudent policy, but is even a foolish one, and that it will not really serve to effectuate the purposes of the Act. The Legislature and its delegate are the sole repositories of the power to decide what policy should be pursued in relation to matters covered by the Act and there is no scope for interference by the Court unless the particular provision impugned before it can be said to suffer from any legal infirmity, in the sense of its being wholly beyond the scope of the regulation-making power or its being inconsistent with any of the provisions of the parent enactment or in violation of any of the limitations imposed by the Constitution.....”

It is trite law that the Government is vested with the Authority to take pragmatic and policy-based decisions, as may be warranted by prevailing circumstances, administrative exigencies, or public interest. This Court, in exercise of its limited scope of judicial review over policy matters, ought not to interfere with or strike down a policy decision merely on the ground that an alternative course of action may appear to be fairer, wiser, logical, or scientific. So long as the policy decision is not

¹ (1984) 4 SCC 27

tainted by illegality, arbitrariness, mala fides, or is not contrary to any statutory or constitutional provision, the Court is not to substitute its own views for those of the executive. A change in policy, by itself, does not give rise to a cause for judicial interference unless it falls foul of the well-established parameters of judicial review.

32. This Court is of the considered view that the petitioners have been rightly re-designated as Multi-Tasking Staff (MTS), a designation which they have accepted without demur and under which they have continued to avail themselves of financial and service-related benefits. The inclusion of the posts of Laboratory Attendant, Library Attendant, and Computer Laboratory Attendant within the category of MTS is found to be in consonance with the nature of duties performed and consistent with the policy framework adopted by the State Government. The impugned policy decision does not disclose any illegality, arbitrariness, mala fides, or contravention of any statutory or constitutional provision warranting interference by this Court. Accordingly, there is no merit in the petition, and the same stands dismissed.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.