

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 429 OF 2009

SARVODAYA SHIKSHAN SANSTHA THROUGH
PRESIDENT SAKHARAM S. MUMBARKAR
AND ANR.,

... Petitioners

Versus

STATE OF GOA THROUGH DIRECTORATE
OF HIGHER EDUCATION AND 3 ORS.,

... Respondents

Mr. Nitin Sardesai, Advocate with Mr. N. Vaze, Advocate for the
Petitioners.

Mr. S. Bhandarkar, Addl. Government Advocate for Respondent no.1.

Ms. A. Agni, Advocate for Respondent no.2.

Coram:- S.B. DESHMUKH &
U. D. SALVI, JJ.

Date:- 29th July, 2009

P.C.

We have heard learned Counsel for the respective parties.

2. The petitioners in this Writ Petition, challenge the Order at Exhibit H (page 32) dated 20.05.2009, passed by the learned Under Secretary (Higher Education). After hearing the learned Counsel for the parties, we are of the view that the petitioners were not heard before passing this Order dated 20.05.2009.

3. In this view of the matter, we are inclined to quash and set aside the Order which is at exhibit H. We permit the respondent no.1-State to serve show cause notice to the Petitioners, in accordance with the provisions of law. In that eventuality, service of notice to petitioner no.2 by consent to be treated as good service to both the petitioners. Two weeks from such service to the petitioner no.2, both the petitioners to file reply to the authority concern and authority concern shall pass a reasoned Order

within four weeks thereafter. We make it clear that we have not entered into the merits of the Petition. All contentions are left open to the petitioners in case of service of show cause notice to be raised before the concerned authority.

4. Petition stands disposed off in view of this direction.

S.B. DESHMUKH, J.

U. D. SALVI, J.

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