



WPS1804-24-265-24

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 1804 OF 2024(F)**

SAMPADA S. TALWADKAR PETITIONER.

Versus

HONOURABLE PRINCIPAL
DISTRICT & SESSION COURT,
AND TWO ORS. RESPONDENTS.

Mr Abhijit P. Gosavi, with Gaurang Kerkar, Krupa Naik and Athnain Naik, Advocates for the Petitioner.

Mr Shivan Desai, with Ms M. Viegas, Advocates for Respondent No.1 .

Mr Sahil Sardesai, Advocate for Respondents No.2 & 3.

**WITH
WRIT PETITION NO. 264 OF 2024**

MANISHA GURUDAS SAWANT PETITIONER.

Versus

HONOURABLE PRINCIPAL
DISTRICT & SESSION COURT,
AND TWO ORS. RESPONDENTS

Mr Vivek Rodrigues with Mr Laban Carvalho, Advocates for the Petitioner.

Mr Shivan Desai, with Ms M. Viegas, Advocate for Respondent No.1.

Mr Sahil Sardesai, Advocate for Respondents No.2 & 3.

**CORAM : M. S. KARNIK &
VALMIKI MENEZES, JJ.**

DATED : 7th OCTOBER 2024

P.C.:

1. Heard learned Counsel for the Petitioners.
2. There are some subsequent events which transpired during the pendency of these Petitions and hence, these Petitions are disposed of by a brief order, without referring to the facts in detail.
3. By an order dated 23rd September 2024, issued by the Principal District & Sessions Judge, North Goa, Panaji, the Petitioners are already promoted to the post of Superintendent. The grievance of the Petitioners to that effect stands redressed.
4. So far as the seniority of the Petitioners is concerned, Shri Desai, learned Counsel for Respondent No.1 submitted that the Petitions shall be treated as representations and the claim of the Petitioners will be considered accordingly. The learned Counsel for the Petitioners submit that there are adverse entries which are not communicated to the Petitioners, which ought not to be taken into consideration while considering their cases. Though the learned Counsel for Respondent No.1 Mr Desai made an attempt to oppose such submission, in our view, in the light of the law laid down

by the Supreme Court in ***R.K. Jibanolata Devi vs. High Court of Manipur through its Registrar General and ors.*** – 2023 SCC OnLine SC 178. (para 23), the adverse entries below the bench mark grading which are admittedly not communicated to the Petitioners, shall be excluded and/or shall not be relied upon for considering the cases of the Petitioners.

5. In the facts of the present case, needless to mention that the uncommunicated adverse entries prior to the order of promotions referred to above, shall not be taken into consideration while considering the cases of the Petitioners for future promotions.

6. The DPC for the aforesaid purpose be convened within a period of 10 (ten) weeks from today.

7. The Petitions are disposed of. No costs.

VALMIKI MENEZES, J.

M. S. KARNIK, J.