



Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**WRIT PETITION NO. 124 OF 2025 (F)**

Mrs. Shilpa P. Pai Panandiker, Aged 42  
 years, House No. 240, Near Caranzalem ... Petitioner  
 Petrol Pump, Caranzalem, Goa.

*V e r s u s*

1. State of Goa, through its Chief Secretary,  
 Secretariat, Porvorim, Goa.
2. Directorate of Education, through its  
 Director, Government of Goa, Porvorim, Goa.
3. Mr. Sandeep V. Palni, Principal, Shree  
 Ganesh Higher Secondary School,  
 Ganeshpuri, Mapusa, Goa.
4. Vidya Bharati Goa, Through its President,  
 Near Sapana Habitat, Chogam Road, Parvari,  
 Bardez, Goa.
5. Shree Ganesh Higher Secondary School,  
 Through its Chairman/Manager, School  
 Managing Committee, Shree Ganesh Higher ... Respondents  
 Secondary School, Ganeshpuri, Mapusa, Goa.

All Registered Addresses

-----  
**Mr. S. D. Lotlikar, Senior Advocate** with Ms. Sailee Kenny  
 and Mr. Terrence Sequeira, Advocate for the Petitioner.

**Mr. Siddharth Samant, Additional Government  
 Advocate** for the Respondent nos. 1 and 2.

**Mr. Shivraj Gaonkar, Advocate** with Mr. Shithil  
 Prabhudessai and Ms. S. Velusker, Advocate for the Respondent  
 no. 3.

**Mr. S. G. Desai, Senior Advocate** with Mr. V. Parsekar and  
 Ms. Ridhi Ajgaonkar, Advocate for the Respondent nos. 4 and 5.

**CORAM: SUMAN SHYAM &  
AMIT S. JAMSANDEKAR, JJ**

**RESERVED ON : 9<sup>th</sup> February, 2026**

**PRONOUNCED ON : 27<sup>th</sup> February, 2026**

---

**JUDGMENT** (*Per Suman Shyam, J.*)

1. Rule. Rule is made returnable forthwith with the consent of learned Counsel appearing for the parties. Learned Counsel appearing for the Respondents, waive notice.

2. Heard Mr. Lotlikar, learned Senior Counsel appearing for the Petitioner, Mr. Samant, learned Additional Government Advocate appearing for the Respondent nos. 1 and 2, Mr. Shivraj Gaonkar, learned Counsel appearing for Respondent no. 3 and Mr. Desai, learned Senior Counsel appearing for Respondent nos. 4 and 5.

3. The Petitioner herein is serving as Teacher-Grade 1 in Shree Ganesh Higher Secondary School, Ganeshpuri i.e. Respondent no. 5 herein, which school is managed by the Respondent no.4-Society. Assailing the Departmental Promotion Committee's (DPC) recommendations made in the meeting held on 25.11.2024, whereby the name of the Respondent no. 3 has been recommended for the post of Principal of the Respondent no. 5- School as well as the consequential Order of promotion dated 26.11.2024 promoting the Respondent no.3 to the post of Principal, the present Writ Petition

has been filed.

4. The facts and circumstances of the case, in a nut-shell, are that, the Respondent no.4-Society had established three Schools in the State of Goa, viz.Shri Ganesh Higher Secondary School at Ganeshpuri, Mapusa, i.e. the Respondent no. 5-, Shanta Vidyalaya at Siolim and People's High School at Camurlim. All the three Schools are functioning under independent Managing Committees of the Respondent no.4-Society.

5. The writ petitioner had joined the Respondent no.5-School on 19.07.2014 as Teacher Grade-1. However, since her joining as aforesaid, till 30.04.2015, the Petitioner's services were '*on lecture basis*'. It was only on 07.07.2025 that the Petitioner was appointed as Teacher-Grade -1 in Economics in the Respondent no.5-School on regular basis in the pay scale of ₹9300-34800 + Grade pay of ₹4800/-. The appointment of the Petitioner vide Order dated 07.07.2015, was approved by the Director of Education i.e. the Respondent no.2 herein on 10.09.2015. The Petitioner was initially put on probation for a period of two years from the date of her appointment. However, the service of the Petitioner as Teacher-Grade-1 was confirmed vide Order dated 07.07.2017 with effect from the date of the said Order.

6. It is the case of the writ petitioner that Shri Gajanan H.

Mandrekar, who was serving as the Principal of the Respondent no.5-School, was due for retirement on attaining the age of superannuation w.e.f. 31.07.2024. Since the Petitioner was the senior-most Teacher in the Grade-1 in the said School, whenever the Principal viz. Gajanan Mandrekar was absent or went on leave, she was given the charge of Principal and, in this manner, she had functioned as in-charge Principal of the School on atleast ten occasions.

7. Since the Management of the School did not take any steps for filling up the vacant post of Principal upon retirement of Shri Mandrekar and the Petitioner being the senior-most Teacher Grade-1 in the School, she had submitted a letter dated 22.07.2024 addressed to the Respondent no. 4 requesting the management to take necessary steps for filling up the post of Principal of the School on regular basis.

8. It has been further mentioned that the Respondent no.4 had circulated the tentative seniority list of Grade-1 Teachers for the Academic Year 2023-24, in which she ranked as the senior-most teacher and was placed at serial no. 1. Therefore, in view of her seniority position, the Petitioner has a right to be considered for promotion to the post of Principal. However, instead of promoting the Petitioner to the post of Principal of the Respondent no.5-School,

on 31.07.2024, the Respondent no.4 issued an Order giving additional charge of the post of Principal of the School to the Respondent no.3 although the Respondent no. 3 had never worked in the Respondent no.5-School and at the relevant point of time, he was holding the post of Headmaster in People's High School, Camurlim,Bardez, Goa, which is an aided Secondary School, managed by the Respondent no.4-Society. According to the Petitioner, she being the senior-most Teacher in the Respondent no.5-School, the authorities had no other choice but to give her the charge of the post of Principal of the said School. Therefore, by issuing the Order dated 31.07.2024, giving additional charge of the School to the Respondent no.3, the Respondent no.4-Society, has acted in an illegal and arbitrary manner.

9. By referring to the Goa School Education Rules, 1986, (herein after referred to as '*the Rules of 1986*'), framed under the provisions of the Goa, Daman and Diu School Education Act, 1984, the Petitioner has further contended that the authorities could have filled up the vacancies in the Respondent no.5-School by only considering the Teachers serving in that School as there was no scope for preparing common seniority list of the three Schools managed by Respondent no.4. According to the Petitioner, the DPC has failed to interpret the Rules in the correct manner while recommending the Respondent no.3. Therefore, the impugned recommendation dated

25.11.2024 as well as the consequential Order of promotion dated 26.11.2024 are liable to be set aside.

10. By filing reply, the Respondent no. 2 has contested the case of the Petitioner by submitting that the Respondent no.3 being the Headmaster of a Secondary School, he was the senior-most Teacher in the next below category for appointment as Principal in terms of Rule 78 of the Rules of 1986. By referring to Rule 86(2), the Respondent no. 2 has contended that the post of Principal in a Higher Secondary School is required to be filled up by promotion subject to the eligibility conditions prescribed in Rule 78. While doing so, the Management would have to first explore the possibility of selecting the senior-most Teacher from the next below category indicated in column 5 of the Table under Rule 78. It has also been asserted that a common management running Secondary Schools as well as Higher Secondary Schools was entitled to prepare category wise common *interse* seniority list.

11. In his reply, the Respondent no.3 has also taken a similar stand while denying that the Petitioner was senior to him in the appropriate category. The Respondent no. 3 has stated that the recommendation of the DPC was in accordance with the provisions of the Rules and also in terms of the directions contained in the Order dated 26.09.2024 passed by the Division Bench (*Devendra Kumar*

*Upadhyaya, CJ and M. S. Karnik, J.*), in Writ Petition No. 609 of 2024. It also been denied that there was any illegality or infirmity in the recommendation dated 25.11.2024 made by the DPC. The Respondent no.3 has contended that the Petitioner's case is devoid of any merit and hence, liable to be dismissed.

**12.** The Respondent nos. 4 and 5 have filed reply taking more or less a similar stand. The said Respondents have also denied the seniority claim of the Petitioner and submitted that the recommendations of the DPC was in accordance with the requirement of the Rules.

**13.** Addressing arguments in support of the Petitioner's case, Mr. Lotlikar, learned Senior Advocate appearing for the Petitioner, has submitted that his client is admittedly the senior-most Teacher in Grade-1 inasmuch as the Respondent no.3 had joined the School under the common Management of the Respondent no. 4 only in the year 2019. Moreover, as per the past practice, it was always the Petitioner who was made the in-charge Principal of the School whenever there was necessity. Under such circumstances, the Respondents were wholly unjustified in bringing the Respondent no. 3 from another School to serve as the Principal of Respondent no.5-School, thus depriving the Petitioner.

**14.** Mr. Lotlikar has also referred to the relevant provisions of the

Rules to submit that it is not permissible to have a common seniority list of all the three Schools operated by the Respondent no. 4. It is also his submission that in view of the Order dated 26.09.2024, passed by this Court, wherein it has been reflected that the Respondent nos. 4 and 5 would carry out course correction, there was no scope for the said authorities to ignore the claim of the Petitioner for the post of Principal of the Respondent no.5-School.

**15.** Resisting such arguments, Mr. S. G. Desai, learned Senior Advocate appearing for the Respondent nos. 4 and 5, submits that as per the provisions of the Rules, if eligible candidates in the post of Headmaster are available, then, those candidates alone will have to be considered for promotion to the post of Principal. Since the Petitioner was not holding the post of Headmaster at the relevant point of time but was serving as Grade-1 Teacher, she was not eligible for being promoted to the post of Principal by passing the candidates holding the post of Headmaster. Contending that the Petitioner was also considered by the DPC but was not recommended for reasons recorded in writing, Mr. Desai submits that the claim of the Petitioner is devoid of any merits and, therefore, the same is liable to be rejected by this Court.

**16.** Mr. Samant, learned Additional Government Advocate appearing for the Respondent nos. 1 and 2 and Mr. Shivraj Gaonkar,

learned Counsel appearing for the Respondent no.3, have advanced arguments in similar lines.

17. We have considered the submissions made at the bar and have also gone through the materials available on record. At the very outset, it deserves to be mentioned herein that there is no dispute about the fact that the relevant Rules applicable for filling up the post of Principal of the Respondent no.5-School either by way of promotion or by direct recruitment, would be the Rules of 1986. Rule 86 lay down the criteria for filling up vacancies which, is re-produced herein below for ready reference :-

**“Rule 86. Filling of vacancies.—** (1) Notwithstanding anything contained in rule 78, every vacancy in an aided school shall be filled up by promotion failing which by direct recruitment, in accordance with such rules as may be framed by the Director of Education in this behalf and notified/circulated separately:

[“Provided that the claim of any employee already working under the said Management in the Undergraduate category possessing the requisite qualifications for the direct recruit shall be given due consideration while filling up the post with direct recruitment.”]

(2) The vacancy of Principal, Higher Secondary School/Primary Training Institutes, Headmasters of Secondary Schools and Middle Schools, and the Asstt. Headmasters of Secondary Schools shall be filled up by promotion subject to the eligibility conditions prescribed in rule 78. While filling up of these posts, the managements shall first explore the

possibility of selecting the senior most teacher from the next below category indicated in column 5 of Table under rule 78. While making such selection the management shall also give very careful consideration and shall select the best qualified and most competent person among those available for selection/appointment to the post. Seniority shall be the first criteria subject to fitness and merit. If the claim of a senior eligible teacher is by-passed, the reason for the same in writing will have to be recorded in the minutes by the promotion committee. The claim of the senior qualified teacher shall not be by-passed arbitrarily without tangible reasons.

Explanation:— Common managements running the secondary schools as well as Higher Secondary schools, shall consider the claims of the Headmasters of Secondary schools in the order of interse seniority for the promotion to the post of Principal of Higher Secondary Schools subject to eligibility conditions prescribed in rule 78.

(3) The management shall make appointment of Heads only on probation for a year in the first instance and communicate full particulars with their bio data to the Director of Education for his approval. No Head of the school shall be confirmed without the prior approval of the Director of Education.

(4) Every vacancy which is to be filled up by direct recruitment shall be notified to the Employment Exchange or in the local newspapers as the case may be as per the rules applicable to Government Offices while recruiting the corresponding posts in Government schools. However the harness cases shall be regulated as per the rules applicable to Government offices and the Director of Education shall be the controlling authority.

**86 A. - Transfer of services of employees.—** If the service

of an employee of a school are transferable to another school under the same management and if he is so transferred by the management, the employee shall be given the order of such transfer for his record, and

a) the employee so transferred shall be entitled to such joining time and transfer allowances as are admissible to the corresponding employee in the Government schools:

Provided that no joining time or transfer allowance shall be admissible to the employee where the transfer is made at the request of the employee or the transfer is made to re-deploy surplus staff.

(b) any expenditure incurred by the school on transfer allowances, joining time, pay, etc. shall not be admissible for grants.

**86B. Migration of employee.**— (1) An employee migrating from an aided school to another under a different management shall forward his application to the new post through proper channel as laid down in sub-rule (3) of rule 74. He shall also apply in a specified form, for concurrence of the Director, through proper channel.

(2) The Director may grant his concurrence provided there is no break in service or the break, if any, is condoned under rule 35.

(3) The past services of such an employee in his previous school/schools shall be counted for the purpose of:

(a) protection of pay, as laid down in rule 85(2);

(b) pension and other retirement benefits, as per rule 35.

(4) The past services of such an employee shall not count for seniority in the new school.”

**18.** The minimum qualification for appointment of teaching staff

has been provided in Rule 78, which is re-produced herein below for ready reference :-

**78. Minimum qualifications for the appointment of teaching staff.-** The qualifications for the recruitment/promotion of the teaching staff in the recognised schools, whether aided or not shall be as prescribed in the following table which is subject to change in future on the recommendation of the Advisory Board or the directives of the Central Government to fall in line with the National Educational Policy.

**TABLE**

Sr. No.	Name of the post	Qualifications for Direct Recruits		Qualifications for promotees	Pay scales subject to revision
		Upper age limit	Qualification		
1	2	3	4	5	6
1.	Principals of Hr. Secondary School/Pry. Trs. Training Institute.	45 years	(i) Ind Class Master's Degree from a recognised University; (ii) Degree in Education or Teaching; and  (iii) 10 years teaching experience, out of which at least 5 years in Hr. Secondary Schools as Gr. I teacher or in Pry. Trs. Training Institute as Sr. Instructor, as the case may be, and remaining 5 years in equivalent posts.	(i) A Master's Degree from a recognised University;  (ii) Degree in Education/ /Teaching from a recognised University; and  (iii) At least 7 years teaching experience as Gr. I teacher in the Hr. Secondary School or a Sr. Instructor in a Pry. Trs. Training Institute, as the case may be. <b>OR</b> Headmasters of Secondary Schools under the same management having at least 7 years service out of which at least 5 years in Higher Secondary School as Gr. I teacher or in Primary Training Colleges as Sr. Instructor as the case may be.	1100-1600 (pre-revised)
2.	Headmasters of Secondary Schools.	40 years	i) A Master's Degree from a recognised University;	(56a[(a) A Degree from a recognised University and a Degree in Education/ Teaching from a recognized University, with 7 years	2000-3500

				teaching experience as an Assistant Teacher in the school after graduation, out of which, 5 years should be post B.Ed./B.T. experience OR	
			(ii) Degree in Education/ /Teaching from a recognised University or equivalent;	(b) A Degree from a recognised University and Diploma in Education (2 years course) of any recognized University or a diploma sanctioned as equivalent by the Government, with 9 years teaching experience in the school after graduation, out of which, at least 7 years should be post training experience];	
			(iii) At least 5 years teaching experience after graduation in a Secondary School or a training institute,	50% of the posts shall be filled from amongst persons having qualifications specified as at (a) above and 50% of the posts shall be filled from amongst persons	
			out of which at least 3 years teaching experience after training.	having qualifications specified as at (b) above.	
3.	Asstt. Headmasters in Secondary Schools.	—	No direct Recruit.	The same as prescribed to the Headmaster of the Secondary Schools.	1640-2900
4.	Headmasters of Middle Schools.	35 years	(i) A graduate from a recognised University;  (ii) A Degree in education teaching; and  (iii) About 5 years teaching experience in a secondary school out of which about 3 years teaching experience after training.	(i) A Degree from a recognised University; and  (ii) A Degree in Education/Teaching or equivalent with 3 yrs. experience after training as an Asstt. Teacher; or  (iii) A Diploma in Education (2 yrs. duration) with 5 yrs. teaching experience after training.	1640-2900

**WP-124-2025 -F(1).DOC**

5.	Gr. I Teacher/Sr. Instructor.	35 years	(i) A Master's Degree in the subject; and	Asst. Teachers/Jr. Instructors with 3 yrs. post training service in the school/Pry. Trs. Training Institute and possessing qualifications prescribed to the direct recruit in Col. No. (4).	1640-2900
			(ii) A Degree in Education/Teaching; failing which,  A 2 <sup>nd</sup> class Master's Degree in the subject. (He shall obtain his B. Ed. degree at his own cost within 5 years and he shall not be confirmed without training qualification).		
6.	Asst. Trs./Jr. instructors (i.e. Trained graduate Trs.)	30 years	(i) A degree from a recognised University.	56b[(a) Undergraduate teachers working in the Secondary Schools having 3 years service in the grade and possessing qualifications prescribed for direct recruits in column number 4; OR	1400-2600
			(ii) A Degree in Education/Teaching from a recognized University.	(b)Undergraduate teachers possessing a Degree from a recognized University and a Diploma in Education (2 years course) and having 5 years experience, out of which, at least 3 years experience should be after obtaining Diploma in Education. 50% of the posts shall be filled from amongst persons having qualifications specified as at (a) above and remaining 50% of the posts shall be filled from amongst persons having qualifications specified as at (b) above].	
7.	Higher Secondary S. C., D. Ed. Teachers Matriculate D. Ed. Teachers	30 years	Hr.Secondary School Certificate with Diploma in Education (2 years course) failing which S.S.C. with Diploma in Education (2 years course).	N.A.	1200-2040

8.	Physical Education Teachers	30 years	(i) A Degree from a recognised University. (ii) A Diploma in Physical Education (old course) or a Degree in Physical Education from a recognised University.	N.A.	1400-2600
9.	Drawing Teachers	30 years	Bachelor's Degree in Fine Art (B.F.A.) from a recognised University; or (i) S.S.C. or equivalent;  (ii) Diploma/Certificate in Art and Drawing from a recognised institution after a full-time course of not less than 3 years duration, or a part-time course of 5 years duration.	N.A.	1400-2600
10.		30 years	Music Teachers Degree in Music from a recognised University with 4 years course or a Diploma in Music from a recognised institution with 5 years course subject to its being equivalent to degree course.	N.A.	1400-2600
11.	Craft Teachers	30 years	Diploma or National Certificate in the subject with at least 3 years post S.S.C. full-time training from a recognised institute.	N.A.	1400-2600
12.	56c[12. Computer Teacher	40 years	Essential:— (1) Graduate in any Discipline/Degree or Diploma in Electrical or Computer Engineering from recognized University/ Institution. (2) At least three (03) years experience in the field of imparting computer training/ education. Note: In case of candidates having qualifications other than BCA, MCA/ Diploma or Degree in Computer Engineering from a recognised University/Institution, such candidates shall have to complete Post Graduate Diploma in Computer	N.A.	Rs. 9300-34800+ Grade Pay Rs. 4200].

			Education and Training (PGDCET) within 05 years of their appointment/engagement.  (3) Knowledge of Konkani.  <i>Desirable:-</i> Knowledge of Marathi		
--	--	--	--	--	--

Provided that the above qualifications shall be operative where no minimum qualification have been specified by the Affiliating Board and where the minimum qualification prescribed by the Affiliating Board are higher than those prescribed in the table above, the qualifications prescribed by the Affiliating Board shall be deemed to have been substituted wherever such occasion arises:

Provided further the teaching posts which are not included in the above table shall be governed by the recruitment rules as have been specified by the Administrator to corresponding posts in Government schools.”

**19.** Rule 87-A provides that it shall be the responsibility of the management to compile category wise seniority list of employees in order of their seniority, as defined in rule 87 and maintain them up to date in accordance with the norms laid down by the Director. Rule 87, *inter alia*, lays down that seniority of employees in each category shall be determined by the Order of merit in which they were selected for appointment to the concerned post. Explanation to Rule 86 as noted above, lays down that common managements, running the Secondary Schools as well as Higher Secondary Schools, shall consider the claims of Headmasters of Secondary Schools in order to

*interse* seniority for promotion to the post of Principal of Higher Secondary Schools.

20. A conjoint reading of Rules 86 and 87-A leaves no room for doubt that it will not only be permissible to have common category wise seniority list of the teaching staff for the Schools run by common management, but such seniority list would also have to be given due weightage while filling up the post of Principal of Higher Secondary Schools. The Writ Petitioner may be the senior-most teacher in her category i.e. Grade-1 Teacher. But, that will not entitle her to claim seniority above the teachers belonging to a different category

21. From Rule 78 it is clear that the post just below the post of Principal Higher Secondary School is “*Headmaster of Secondary Schools*”. Grade-1 Teacher/Senior Instructor, come only in the 5<sup>th</sup> position in hierarchy in the table prepared under Rule 78.

22. In view of the mandate of Rule 86, which lays down that senior-most Teacher “*from next below category*” indicated in column 5 of the Table has to be considered for filling up that post in question, the Respondents, in our considered opinion, could not have promoted the writ petitioner herein to the post of Principal since there were as many as two eligible candidates, holding the post of Headmaster, available at that point of time. After considering the facts and circumstances of the case, the DPC had made its

recommendation in favour of the Respondent no. 3. The relevant considerations, as appearing from the Minutes of the DPC recommendations dated 25.11.2024, are quoted herein below for ready reference :-

“The communication dated 21.11.2024 by the Deputy Director of Education, North Educational Zone Mapusa, Goa requires us to select the eligible candidate for the post of principal out of the five senior most Grade I teachers/headmasters and the relevant documents about them have been forwarded to us as mentioned in the said communication. The perusal of the documents forwarded to us for the purpose of verification informs us that we have to consider 5 candidates as below;

- 1) Shri Sandeep Palni Headmaster working under the same Management at People's High School Camulim Bardez Goa.
- 2) Smt. Prajeeta Sangale Headmistress working under the same Management at Shanta Vidhyalay Sodiem Bardez Goa.
- 3) Smt. Shilpa P Pai Panandikar Grade I teacher working under the same Management at Shree Ganesh Higher Secondary School Mhapsa Bardez Goa.
- 4) Smt. Shraddha P Kepekar Grade I teacher working under the same Management at Shree Ganesh Higher Secondary school Mhapsa Bardez Goa.
- 5) Smt. Bhakti T Bordekar Grade I teacher working under the same Management at Shree Ganesh Higher Secondary school Mhapsa Bardez Goa.

We find the candidate at serial No.1 as the senior most out of the lot. He was appointed first as Teacher Grade I on 21/07/2003 at Vidya Prabodhini Higher Secondary School, Porvorim Bardez Goa, he continued to serve there as Grade I teacher till 28.02.2013. He was appointed as Headmaster on 1/3/2013 at St. Aloysius High School, Diwadi Tiswadi Goa which was managed by the management affiliated to Vidya

Bharati Goa, where he worked as Headmaster till 31/10/2019.

On 01/11/2019 he was appointed as Headmaster of People's High school, Camurli Bardez Goa where he is working till date.

Considering the Category wise Common seniority list, annual Confidential records, integrity certificate, Personal records and judgement of Hon'ble High Court of Bombay at Goa vide writ petition No 609 of 2024, candidate at serial no.1, he becomes eligible under OR, of the Table mentioned in Rule 78 of the 1986 Rules which requires at least 7 years service as Headmaster of Secondary schools out of which at least 5 years in Higher Secondary School as Grade I teacher or in Primary Training Colleges as Senior Instructor. Candidate at Serial No.1 qualifies in terms of Table 2 Rule 78 of the 1986 Rules since he has 11 years 7 months of service as Headmaster and 9 years 7 months as Grade I teacher out of his total service of 21 years 2 months. He is therefore the senior most out of the lot and he is also senior most teacher in the next below category of Principals. His Annual Assessment Report for the last 5 years indicates that he has received assessment as "Excellent" 3 times and "Very Good" 2 times, considering the Explanation to Rule 86 of Goa Daman and Diu School Education Act, 1984 and Rules 1986, which provides that common management running the Secondary schools and Higher Secondary Schools, shall consider the claims of Headmasters of Secondary Schools in the order of interse seniority for the promotion to the post of Principal of Higher Secondary Schools subject to the eligibility conditions prescribed in rule 78. Therefore having regard to Rule 78 and Explanation to Rule 86 the candidate at serial No.1 becomes the senior most, most eligible, and most meritorious.”

**23.** After a careful reading of the aforesaid recommendation, in the light of the relevant provisions of the Rules of 1986, we do not find

any justifiable ground to disagree with the reasons as well as the recommendation made by the DPC in favour of the Respondent no.3.

24. Insofar as the writ petitioner is concerned, her case was also considered by the DPC but no recommendation was made in her favour for the following reasons : -

“Candidate at serial No.3 was appointed on 07.07.2015 Grade I Teacher in Shri Ganesh Higher Secondary School which continues till date. She was also handed over charge of Principal of the School in the absence of the regular Principals. However the total period of in-charge Principal comes to less than 1 year. Although she is eligible, she is junior to candidate at serial no.1 and does not match the experience, expertise or meritoriousness of candidate at serial no.1, more particularly because she has been given only "Very Good" all 5 times in the last five years in the Annual Assessment Report and not "Excellent". She is therefore less meritorious than candidate at serial no.1.”

We do not find any infirmity in the above reasoning of the DPC.

25. It may be correct to say that the Respondent no.3 was appointed as the Headmaster of People’s High School at Camurlim. Bardez, Goa, only on 01.11.2019, whereas the Petitioner was appointed as a Grade-1 Teacher under the Respondent no.5-School on 07.07.2015. However, the fact remains that the Respondent no.3 started as a under graduate Teacher in the year 1997 and he was

promoted as a graduate Teacher w.e.f. 06.01.2001. Although it was in a different School, yet, from the material on record, it is apparent that as a Teacher also, the Respondent no.3 is much senior to the Petitioner. Be that as it may, the above circumstances would not have any relevance in the facts of the present case, since the Petitioner and the Respondent no. 3 were holding two different categories of posts and, therefore, the question of *interse* seniority between them would not arise in the eyes of law.

26. In view of the prescription of the Rules, which requires consideration of candidates in the “*next below*” category for filling up the post of Principal, since the Respondent no. 3 was holding the post of Headmaster which is the “*next below post*”, hence, in the absence of any valid reasons, the Respondent Authorities could not have ignored his candidature, which has also rightly not been done in the present case.

27. The Petitioner has placed reliance on the Order dated 26.09.2024 passed by this Court, wherein she had challenged the Order dated 31.07.2024, by means of which the Respondent no. 4 had given additional charge of the post of Principal of Respondent no.5 to Respondent no.3. By interpreting the provisions of Rule 86 of the Rules of 1986, the learned Division Bench (*Coram: Devendra Kumar Upadhyaya, CJ and M. S. Karnik, J.*), was of the view that the

Management should first explore the possibility of selecting the senior most Teacher from the next below category indicated in the Rules and even for giving an officiating charge, the Rule of seniority has to be given due respect. Therefore, by taking note of the stand taken by the Respondent nos. 4 and 5, that course correction would be undertaken in the institution for the purpose of giving officiating charge of the post of Principal by keeping in view the broad principles contained in Rule 86 of the Rules of 1986, the Division Bench had passed the Order dated 26.09.2024, the operative part of which is re-produced herein below :-

“Accordingly, we direct that such an exercise shall be undertaken by the management of the Institution and claim of the petitioner for giving officiating charge shall be preferably considered and appropriate orders shall also be passed within ten days from today. We may also note that officiating charge cannot remain in perpetuating. As a matter of fact, the vacancy for the post of Principal of the Institution concerned occurred on retirement of the earlier incumbent on 31.07.2024. Thus, we direct all concerned, including the Government authorities to initiate the process of regular promotion to the post of Principal by convening the Departmental Promotional Committee at the earliest. We also direct that the exercise for making regular promotion to the post of Principal shall be completed within two months from today.”

28. The aforesaid Order, in our considered opinion, was confined primarily to the question of officiating charge of the post of Principal of Respondent no.5-School and did not determine the claim of seniority of the Petitioner nor did it go into the question of validity of the category wise common seniority list of the teaching staff of the three Institutions run and managed by the Respondent no.4. Therefore,

the Order dated 26.09.2024, in our considered opinion, will be of no assistance to the Petitioner in the facts and circumstances of the present case.

**29.** For the reasons stated herein above, we are of the view that the Writ Petition is devoid of any merit and the same is accordingly dismissed.

**30.** There would, however, be no order as to any costs.

**AMIT S. JAMSANDEKAR, J.**

**SUMAN SHYAM, J.**