

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.420 OF 1996

1. Bailancho Saad, a Non-Government Organization of Women having its address as 304, Prema Building, Rua de Ourem, Panaji, Goa;
 2. Ms. Sabina Martins, having her address as 2, Triveni, St. Inez, Panaji, Goa;
 3. Ms. Albertina Almeida, 519 City Centre, Patto Colony, Panaji, Goa;
 4. Ms. Usha Joshi Fondvem, Ribandar-Goa;
 5. Ms. Ulka Lotlikar, Gomantak Maratha Samaj Hostel, Above Passport Office, Panaji-Goa;
 6. Ms. Agnes Messias Vanarai Housing Society, St. Inez, Panaji-Goa;
 7. Ms. Afrose Sheikh Tarwada, Pilgao, Bicholim, Goa;
 8. Ms. Bernadette D'Souza, C/o Anita D'Costa, Pandicol, Curtorim, Salcete, Goa;
 9. Ms. Gemma De Sa, Dilkush Building Near Suraj Book Stall Mapusa-Goa
- ... PETITIONERS

VERSUS

1. The State of Goa, through its Chief Secretary, Secretariat, Panaji-Goa;

2. Goa Public Service Commission, a Statutory Corporation constituted under the provisions of the Goa Public Service Commission Act having its address as EDC Building, A.B. Road, Panaji, Goa;
3. The Secretary, Home Department, Secretariat, Panaji, Goa;
4. The Secretary, Department of Personnel, Secretariat, Panaji, Goa;
5. The Inspector General of Police, Police Headquarters, Panaji, Goa ... RESPONDENTS.

Mrs. Norma Alvares, Advocate for the Petitioners.

Mrs. Winnie Coutinho, Government Advocate for the Respondents.

CORAM : F.I. REBELLO &
P.V. HARDAS, JJ.

DATED : JUNE 30, 2003.

ORAL JUDGMENT (PER F.I. REBELLO, J.)

The Petitioners by the present Petition have challenged Recruitment Rules framed under Article 309 of the Constitution of India for recruitment to the posts of Police Sub-Inspectors in the State of Goa. It was their contention that reserving posts based purely on sexual identification would be violating the concept of

equality under Article 14 and 16 of the Constitution of India. Petitioners have, therefore, sought to strike down the Rules on that count.

2. It transpires that in between some further Notifications were issued by the Government thereby reserving 50 per cent of the posts. Now a further Affidavit has been filed dated 25th June, 2003 by Shri Muktesh Chander. In that it is set out that the letter dated 7-10-2002 whereby 50 per cent of Police Constables/Police Sub-Inspectors were reserved for male and remaining 50 percent were to be filled without reservation for male and female has since been withdrawn vide letter No.1/50/2001-HD(G) dated 24-6-2003.

3. It is further set out that hereafter all the vacancies of Police Constables/Police Sub-Inspectors would be filled in from amongst the male and female candidates without any reservation.

4. The statement made in the Affidavit on behalf of the Respondents by Muktesh Chander is accepted. Once that be the case, the Petition can be disposed, based on what is set out in the Affidavit.

Rule made absolute in terms of paragraph
4 of the Affidavit of Muktesh Chander.

There shall be no order as to costs.

F.I. REBELLO, J.

P.V. HARDAS, J.

ac.