



**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.872 OF 2026 (F)**

SHREE KAMAXIDEVI HOMEOPATHIC MEDICAL COLLEGE
AND HOSPITAL
VERSUS
DR. SATYAVAN NAIK AND ORS.

...

Mr. Terence Sequeira, Advocate for Petitioner.

Mr. Shane Coutinho, Advocate for Respondent No.1.

Ms. A. Agni, Senior Advocate with Ms. Anamika Rawal and Ms. Chandani Naik, Advocates for Respondent No.3.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 22nd SEPTEMBER, 2026.**

FINAL ORDER:-

1. The petitioner impugns order dated 04.02.2026 passed by College Tribunal, Goa dismissing application for striking off names of respondent nos.3, 4 and 5 from array of parties in College Appeal No.1/2025.

2. The petitioner contends that respondent no.1 was appointed as Professor in petitioner College w.e.f. 17.03.2009. Thereafter, he was given post of officiating Principal w.e.f. 27.11.2011 and lastly, vide order dated 25.04.2015 he was appointed as Principal on regular basis. On 12.02.2020, petitioner Institution received complaint of unfair practice followed by respondent no.1 at examination. Eventually, respondent no.1 was suspended and subjected to departmental enquiry. He was served Memorandum alongwith copy of charge-sheet and Article of charges. The Enquiry Officer conducted enquiry and submitted his report dated 01.07.2022 holding that charge nos.1, 2, 4, 5

and 7 have been duly proved and recommended for major penalty. The petitioner accepted enquiry report and terminated services of respondent no.1 w.e.f. 31.07.2023.

3. The respondent no.1 assailed termination of service in Appeal No.4/2023 before College Tribunal. At the stage of final hearing, he sought amendment of Appeal memo. The Tribunal rejected amendment application. The respondent no.1 assailed said order in Writ Petition No.1700/2024/F before this Court. The Writ Petition came to be allowed vide order dated 19.09.2024. At this stage, petitioner withdrawn termination order dated 31.07.2023 and furnished copy of enquiry report to respondent no.1, who filed reply on 03.02.2025. Upon considering enquiry report and reply submitted by respondent no.1, fresh termination order dated 29.05.2025 has been passed.

4. The respondent no.1 assailed second termination order in Appeal No.1/2025 before College Tribunal, Goa in which he added Goa University, Director of Higher Education, Goa and State of Goa through Chief Secretary as party respondent nos.3, 4 and 5 alongwith petitioner College. The petitioner filed application for striking off names of respondent nos.3, 4 and 5 on ground that they are not necessary parties, as petitioner is author of termination order dated 29.05.2025, which is subject matter of challenge in Appeal. The Tribunal rejected application vide impugned order dated 04.02.2026. Hence, this petition.

5. Mr. Terence Sequeira, learned Advocate appearing for petitioner would submit that petitioner is Appointing as well as Disciplinary Authority of respondent no.1. The termination order is passed after following due process of law. The validity of same can be assailed in Appeal under University Statute SC-6 and SC-7. The Appeal is expected to be decided after hearing Management/Disciplinary Authority. Therefore, respondent nos.3 to 5 were not necessary parties. They ought to have been strike out by accepting petitioner's prayer.

6. Per contra, Mr. Shane Coutinho, learned Advocate appearing for respondent no.1 and Ms. A. Agni, learned Senior Advocate appearing for respondent no.3 would submit that University as well as State Authorities have certain control over petitioner College. Therefore, they are necessary parties.

7. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that Statutes applicable to College/Institutions under Goa University Act, 1984 prescribes that Teacher who is dismissed or removed or whose services are otherwise terminated shall have right of Appeal before Tribunal. The Government after consultation with University, constitutes Tribunal for adjudication of disputes or differences between employees and management of affiliated College or recognized Institution.

8. In present case, services of respondent no.1 have been terminated on allegation of his misconduct relating to University examination. Looking to nature of controversy in Appeal, presence of University before Tribunal would facilitate effective adjudication of dispute. The presence and assistance of University would be required while dealing with rival contentions of parties, particularly in matter of applicable Rules, Ordinance and Circulars issued by University for conduct of examination. In this backdrop, University would be proper party in Appeal. So far as Director of Higher Education and State of Goa through Chief Secretary, they would be neither necessary nor proper party in Appeal filed by employee before Tribunal against order of dismissal/termination of services.

9. Perusal of impugned order suggests that Tribunal was of view that since petitioner is Government Aided College, Director of Higher Education and State of Goa would also be necessary or proper party. This Court cannot countenance with view of Tribunal. The Tribunal while dealing with Appeal against order of termination would deal with validity of enquiry proceeding and material in support of charges alleged to have been proved against employee. The State Government or State Authorities have no role to play when Appeal is filed by employee of private Institution affiliated with University. Even in cases

where such institution receives grant-in-aid, State Authorities would have no role to play in appeal before Tribunal. Hence, following order:

ORDER

- a. Writ Petition is partly allowed.
- b. The impugned order dated 04.02.2026 passed by College Tribunal, Goa in College Appeal No.1/2025 is modified.
- c. The respondent no.1 is directed to omit respondent nos.4 and 5 from array of parties in Appeal No.1/2025 pending before College Tribunal at Panaji, so also carry corresponding amendment in Memo of Appeal.

(S. G. CHAPALGAONKAR)
JUDGE