

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9602 OF 2021

Kishnabhai Nathubhai Ghutia & Anr ...Petitioners
Versus
The Hon'ble Administrator Union Territory & ...Respondents
Ors

Mr Bhavesh Parmar, with Devmani Shukla, Rajesh Sahani &
Reshma Nair, i/b Devmani Shukla, for the Petitioners.
Mr Saurabh Kshirsagar, i/b H Venegavkar, for the Respondents.

CORAM G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 5th January 2022

PC:-

1. Heard.
2. The Writ Petition seeks the following reliefs:
 - “a) Rule be issued.
 - b) For a writ or an order in the nature of a writ declaring that the impugned notification issued in the month of October 2021 declaring public holidays for year 2022 is bad and illegal to the limited extent of not declaring as public holiday 02.08.2022 which is the Liberation/Independence Day of Dadra & Nagar Haveli.

ARUN
RAMCHNDRA
SANKPAL

Digitally signed by
ARUN
RAMCHNDRA
SANKPAL
Date: 2022.01.06
15:14:59 +0530

c) For a writ or an order in the nature of writ directing the respondents to issue a notification this year (2022) and every year hereinafter declaring 02 August of each year as public holiday for the purpose of celebrating the Liberation/Independence Day of Dadra & Nagar Haveli.

d) Pending hearing and final disposal of the present Writ Petition for an order of this Hon'ble Court directing the respondents to issue a notification this year (2022) and every year hereinafter declaring 02 August of each year as public holiday for the purpose of celebrating the Liberation/Independence Day of Dadra & Nagar Haveli.”

3. 2nd August 1954 was the date when the Union Territories of Dadra and Nagar Haveli gained “Liberation/Independence” from Portuguese rule and became part of the territory of India. From 1954 to 2020, 2nd August was permitted as a public holiday on account of Liberation or Independence. This was discontinued on 29th July 2021.

4. It is submitted that if other similar date as 15th August can be declared as public holiday for national Independence then there is no reason why 2nd August should not be declared a public holiday for Dadra & Nagar Haveli.

5. Our attention is drawn to an order passed on 15th April 2019 of a Division Bench of this Court. That also pertained to Union Territories of Dadra and Nagar Haveli. Good Friday was then listed as a restricted, i.e., an optional, holiday but not a gazetted holiday. The argument was that there was that taking into account the population of Christians in the area it was decided not to declared

Good Friday as a gazetted holiday. Observing that Christmas and similar holidays are widely celebrated, the Division Bench disposed of the PIL by directing the Administrator to declare Good Friday as a gazetted holiday in the Union Territories of Diu, Daman, Dadra and Nagar Haveli. That order stands on a different footing from the present case. That PIL was about the failure to gazette i.e. make compulsory, a public holiday rather than keep it optional.

6. Whether or not to declare a particular day as a public holiday or an optional holiday or no holiday at all is as a matter of government policy. There is no legally enforceable right that can be said to have been infringed. Nobody has a fundamental right to a public holiday. As it is, we have far too many public holidays in this country. Perhaps the time has come to reduce, not increase, the number of public holidays.

7. We do not see any substance in the Petition. It is rejected. There will be no order as to costs.

8. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)