

CASE NO.:
Appeal (civil) 5979 of 2001

PETITIONER:
Dayanand Vedic Vidhalaya Sanchalk Samiti

RESPONDENT:
Education Inspector, Greater Bombay and Anr.

DATE OF JUDGMENT: 25/10/2007

BENCH:
A.K. Mathur & Markandey Katju

JUDGMENT:
JUDGMENT

ORDER

We have heard learned counsel for the parties.

This appeal by special leave is directed against the impugned interlocutory order dated 23rd November, 2000 in Writ Petition No. 2209 of 2000 passed by the High Court of Bombay. The prayer in that writ petition was for quashing the order of the Education Inspector, Greater Mumbai dated 30.9.2000. The order dated 30.9.2000 states that since certain appointments of teachers were made by the Dayanand Vedic Vidyalaya, Mumbai in violation of the Rules, approval for such appointments is rejected.

In our opinion in such a petition there was no scope for grant of any interim order, and instead the writ petition should have been decided finally at an early date. However, what the High Court has done by the impugned interim order is to direct grant of ad hoc approval to some teachers.

This is a strange order passed by the High Court.

There is no provision in the rules for grant of ad hoc approval. Either approval is granted, or the prayer is rejected. There is no scope for a half way measure like that adopted by the High Court. We cannot appreciate such kind of interim orders which really amount to grant of final relief. This kind of practice of granting such interim orders should be discontinued and should not be encouraged.

However in this appeal against the order of the High Court, this Court on 29th January, 2001 observed that "the operation of the order under Challenge shall remain stayed unless the order under challenge has already given effect to." The writ petition is still pending before the High Court of Bombay. We request the High Court to dispose off the matter finally, if not disposed off so far, preferably within a period of three months from the date on which a copy of this order is received by it.

The interim order dated 29th January, 2001 passed by this Court is made absolute, but shall only continue till the final disposal of the writ petition by the High Court.

The Civil Appeal is accordingly, disposed of.