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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.29761 OF 2017

Fr. Felix John Lobo ..Petitioner
Versus
The Education Officer (Primary),
Zilla Parishad, Kolhapur and others ..Respondents

Mr. Meelan Topkar a/w Ms. Pavitra Manesh, Advocate for the
Petitioner.

Mr. S. B. Kalel, AGP for Respondent Nos.2 and 3.

**CORAM: B. R. GAVAI &
SMT. BHARATI H. DANGRE, JJ.**

DATE: 11th APRIL, 2018

P.C.:-

1] Issue notice to Respondents for final disposal, returnable on
25/4/2018.

2] Mr. Kalel, learned AGP, waives service of notice on behalf of
Respondent Nos. 2 and 3. Hamdast granted for serving Respondent
Nos. 1 and 4.

3] Heard parties on the question of grant of ad-interim relief.

4] Though the ad-interim relief which is sought is in the nature of

mandatory directions, we find that a special case is made out by the Petitioner.

5] Petitioner, who has already been approved as Head Master, has been transferred by Respondent No. 4 – Management to Primary School. Undisputedly, the School to which the Petitioner is transferred, is having Classes 1st to 8th Standard. As such, in view of the law laid down by the Apex Court in the case of *State of Maharashtra & Ors vs. Tukaram Tryambak Chaudhari & Ors*¹, Petitioner would be qualified to teach even in the Primary School. We are therefore of the prima facie view that, the approval is rejected on untenable ground. We further note that on account of denial of approval, salaries of entire teaching and non-teaching staff have been withheld for considerable time.

6] In that view of the matter, ad-interim relief is granted in terms of prayer clause (b).

(SMT. BHARATI H. DANGRE, J.)

(B. R. GAVAI, J.)

1 (2007) 9 SCC 201