

(2009) 02 SC CK 0265

In the Supreme Court Of India

Case No : Civil Appeal No. 1135 of 2009 (Arising out of S.L.P. (Civil) No. 9835 of 2008)

Rayat Shikshan Sanstha

APPELLANT

Vs

Suneel Shiva Gaikwad

RESPONDENT

Date of Decision : 20-02-2009

Acts Referred:

Citation : (2009) 02 SC CK 0265

Hon'ble Judges : R. M. Lodha, J;D. K. Jain, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Leave granted. This appeal by special leave is directed against order dated 20th February, 2008, whereby a learned Single Judge of the High Court at Bombay, has rejected the prayer of the appellant-Management for grant of stay of the order passed by the School Tribunal, directing reinstatement of the respondent- teacher.

2. We have heard learned Counsel for the parties.

3. Having regard to the fact that the writ petition challenging the direction by the School Tribunal to reinstate the respondent had been admitted for consideration, we are of the opinion that the impugned order cannot be sustained. The writ petition was entertained by the High Court vide order dated 19th June, 2006 and an ad-interim order staying the operation and implementation of the order passed by the Tribunal was passed. However, when the miscellaneous application was taken up for consideration, the learned Judge vacated the said order on the ground that no case for stay was made out.

4. It is a well settled preposition of law that when an order of injunction is passed, the Court is required to record the reasons. Similarly, when the Court feels that in the facts and circumstances of a particular case, order of injunction is not necessary, it must record the reasons for doing so, taking into

consideration all the relevant factors, particularly the nature of the controversy involved. We are convinced that in the present case if injunction against the direction for reinstatement of the respondent is not granted, the writ petition would be rendered infructuous, resulting in irreparable loss to the appellant herein.

5. Therefore, having regard to the facts and circumstances of the case, we set aside the order dated 22nd February, 2008 and direct that the ad-interim injunction granted by the High Court on 19th June, 2006 shall continue to be in force till the disposal of the writ petition.

6. Since the matter pertains to the career of a teacher, we would request the High Court to expedite the disposal of the writ petition.

7. The appeal stands disposed of in the above terms but without any order as to costs.