

IN THE HIGH COURT OF BOMBAY AT GOA.

LD-VC-CW-45/2020

Joel Dias Petitioner.

Vs

State of Goa & ors. Respondents.

Mr. C. Padgaonkar, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Shri G. Sheyte, Addl. Govt. Advocate for the respondent nos.1 to 4.

Mr. N. Fernandes, Advocate for the respondent no.5.

**Coram:- M. S. SONAK &
M. S. JAWALKAR, JJ.
Date:- 31st August, 2020.**

P.C.

Heard Mr. C. Padgaonkar, learned Counsel for the Appellant, Mr. D. Pangam, learned Advocate General appears alongwith Mr. G. Sheyte, Addl. Govt. Advocate for the respondent nos.1 to 4 and Mr. N. Fernandes, learned Counsel appears for the respondent no.5.

2. Taking into consideration the issues raised in this petition, we issue Rule.

3. However, as far as interim relief is concerned, we are not inclined to grant the same because, in the first place grant of any interim relief will virtually amount to granting of the final relief at the interim stage. Besides, there is doubt expressed on the qualification of the petitioner to hold the position of the teacher. Thirdly, the learned Advocate General has pointed out that in this case the Chairperson of the Society which has established the school

is, none other than the father of the petitioner. The learned Advocate General points out that father of the petitioner is also Chairman of the Managing Committee of the School. Further, the mother of the petitioner is the Manager of the School. All these aspects will really have to be examined at the stage of final hearing. We are satisfied that no case has been made out for grant of any interim relief as prayed for by the petitioner. Mr. Padgaonkar, however, submits that the petitioner's appointment on contractual basis may be permitted to be continued if management itself is agreeable to make payments to the petitioner. The learned counsel for the Management states that he will have to seek instructions as to whether this can be done.

4. According to us, for the aforesaid reason, no interim relief can be granted in favour of the petitioner. However, if the Management, wishes to continue the petitioner on contractual basis by itself making payments to the petitioner without insisting upon corresponding reimbursement from the government, Management is granted liberty to apply. If such an application is made, the same will be considered on its own merits and in accordance with law.

5. At this stage, Mr. Padgaonkar, states that some direction may be issued in relation to payments for the period during which the petitioner's appointment on contractual basis was already approved. The affidavit filed by the respondents states that this issue is under consideration. We direct the concerned respondents to take a decision on this issue as early as possible, and, in any case, within a period of four weeks from today.

6. The respondents are directed to complete their pleadings within three months from today. Hearing of this petition is expedited.

M. S. JAWALKAR, J

M. S. SONAK, J.

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