

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) Nos. 10573/2009, 10574/2009, 10575/2009,  
1279/2011, 3608/2011 & 1291/2011**

% **3<sup>rd</sup> September, 2013**

1. **W.P.(C) 10573/2009**

THE MANAGING COMMITTEE OF SHIKSHA BHARATI SENIOR  
SECONDARY PUBLIC SCHOOL ..... Petitioner

Through: Mr. Mudit Sharma, Advocate.

versus

DIRECTOR OF EDUCATION AND ANR. .... Respondents

Through: None.

2. **W.P.(C) 10574/2009**

THE MANAGING COMMITTEE OF SHIKSHA BHARTI SENIOR  
SECONDARY public SCHOOL ..... Petitioner

Through: Mr. Mudit Sharma, Advocate.

versus

DIRECTOR OF EDUCATION AND ANR. .... Respondents

Through: None.

3. **W.P.(C) 10575/2009**

THE MANAGING COMMITTEE OF SHIKSHA BHARTI SENIOR  
SECONDARY PUBLIC SCHOOL ..... Petitioner

Through: Mr. Mudit Sharma, Advocate.

versus

DIRECTOR OF EDUCATION AND ANR. .... Respondents  
Through: None.

4. **W.P.(C) 1279/2011**

MAMTA YADAV .... Petitioner  
Through: None.  
versus

GNCTD OF DELHI AND ORS. .... Respondents  
Through: Mr. Mudit Sharma, Advocate for  
respondent No.3.

5. **W.P.(C) 3608/2011**

KRISHNA AHLAWAT .... Petitioner  
Through: None.

versus

GOVT. OF NCT OF DELHI AND ORS. .... Respondents  
Through: Mr. Mudit Sharma, Advocate for  
respondent No.3.

6. **W.P.(C) 1291/2011**

MEENU GARG .... Petitioner  
Through: None.

versus

GNCTD OF DELHI AND ANR.

..... Respondents

Through: Mr. Mudit Sharma, Advocate for  
respondent No.3.

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J.MEHTA**

To be referred to the Reporter or not?

**VALMIKI J. MEHTA, J (ORAL)**

**W.P.(C) No.10573/2009**

1. By this writ petition, the petitioner impugns the judgment of Delhi School Tribunal (DST) dated 31.3.2009. By the impugned judgment, DST allowed the appeal filed by the respondent No.2/employee challenging the termination of her services from the petitioner-school as Primary Teacher during the extended period of probation of one year. The Tribunal set aside the termination order dated 27/29.6.1998 on the ground that the order is stigmatic.

2. Let us for the sake of convenience reproduce this termination letter dated 27/29.6.1998 and which reads as under:-

“SBPS/AN/98/947

JUNE 27/29, 1998

**OFFICE ORDER**

Whereas Mrs. Mamta Yadav was appointed as Primary Teacher, in the Shiksha Bharti Sr. Secondary Public School on probation, initially for a period of one year with effect from 1.07.1996.

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AND WHEREAS on first review, the Managing Committee, in its meeting held on 01.06.1997, found that the work and conduct of said Mrs. Yadav, during the initial period of probation, had not been upto the mark; that she be given another opportunity to bring needed improvement in her work and conduct.

AND WHEREAS in pursuance of aforesaid decision of the Managing Committee, the initial period of probation in respect of said Mrs. Yadav was extended for another year with effect from 1.7.1997 vide order No. SBPS/25/Staff/dated 16.06.1997.

AND WHEREAS on second review of her work during the extended period of probation, the Managing Committee, in its meeting held on 05.06.1998, noted with concern that the work and conduct of said Mrs. Yadav, during the extended period of probation, had been greatly disappointing; that she lacked professional capability, careless and negligent in the matter of class work, her conduct has also been deplorable and also indulged in acts of indiscipline and insubordination; that she acted in a manner unbecoming of a teacher and the Committee reached to the conclusion that said Mrs. Mamta Yadav is not a fit person to be retained in the services of Shiksha Bharti Sr. Secondary Public School; and that it decided and RESOLVED:

“THAT THE SERVICES OF SAID MRS. MAMTA YADAV BE TERMINATED IMMEDIATELY BEFORE THE EXPIRY OF EXTENDED PERIOD OF PROBATION ON 30.06.1999.”

NOW IN PURSUANCE of the aforesaid decision of the Managing Committee, the services of Mrs. Mamta Yadav, a Primary Teacher are hereby terminated with effect from 30.06.1998 (afternoon); and that she be deemed relieved accordingly.

BY ORDER &  
IN THE NAME OF MANAGING COMMITTEE  
SHIKSHA BHARTI SR. SECON. PUBLIC SCHOOL  
MANAGER

Mrs. Mamta Yadav  
C-84, Mahavir Enclave  
Behind MCD School

Palam  
New Delhi-110045  
Copy forwarded to:-

1. The Principal, Shiksha Bharti Sr. Secondary Public School
2. The Accountant, Shiksha Bharti Sr. Secondary Public School.
3. The Education Officer, Zone XXI, Dist. South West, Vasant Vihar, New Delhi.
4. Personal file

MANAGER”

3. The issue is that whether stating that the employee lacked professional capability or was negligent and careless or her conduct was deplorable and had indulged in acts of indiscipline and insubordination would amount to order being stigmatic.

4. Law with respect to termination of services of a probationer is now well-settled. Termination has to be by a non-stigmatic order. However, it has been held that stating that the performance is not satisfactory or giving of facts in the termination order will not amount to the termination order being a stigmatic one. Also the principles of natural justice have not to be followed before termination of services of a probationer. If an enquiry is held and the enquiry report forms the foundation of termination of services of a probationer, only then, principles of natural justice are required to be followed, however, where the enquiry against a probationer is only for determining employee's suitability for continuing in service and the enquiry report only forms the motive for removal (as differentiated from a

foundation for removal) then, a detailed enquiry in terms of the service rules is not necessary. In the recent judgment in the case of ***Muir Mills Unit of NTC (U.P.) Ltd. Vs. Swayam Prakash Srivastava & Anr. (2007) 1 SCC 491*** Supreme Court has observed that even if the termination order states that services of a probationer has been terminated on account of the work being not satisfactory, the order cannot be said to be stigmatic. It is also held in this judgment that the principles of natural justice need not be followed for termination of services of the probationer. Paras 44 to 46 of the said judgment are relevant and the same read as under:-

“44. Also in the case of *Registrar, High Court of Gujarat and Anr. v. C.G. Sharma* it was observed that an employee who is on probation can be terminated from services due to unsatisfactory work.

45. This Court's decision in the case of *P.N. Verma v. Sanjay Gandhi PGI of Medical Sciences* can be referred to in this context, where it was held by this Court that, the services of a probationer can be terminated at any time before confirmation, provided that such termination is not stigmatic. This Court in *State of Madhya Pradesh v. Virendera Kumar Chourasiya* also has held that in the event of a non-stigmatic termination of the services of a probationer, principles of *audi alteram partem* are not applicable.

46 We are also of the view that the award of the Labour Court is perverse as it had directed grant of back wages without giving any finding on the gainful employment of respondent No.1 and held that the discontinuance of the services of a probationer was illegal without giving any finding to the effect that the disengagement of respondent No.1 was in any manner stigmatic. The decision in the case of ***MP State Electricity Board v. Jarina***

***Bee (Smt)*** (supra), this Court held that payment of full back wages was not the natural consequence of setting aside an order of removal. In the instant case, though the termination was as far back as in 1983, the Industrial Adjudicator has not given any finding on unemployment. This Court in a recent case of ***State of Punjab v. Bhagwan Singh*** (2002)9SCC636 has held that even if the termination order of the probationer refers to the performance being “not satisfactory”, such an order cannot be said to be stigmatic and the termination would be valid.”

5. The Supreme Court in the judgment in the case of ***State of W.B. and Others Vs. Tapas Roy*** (2006) 6 SCC 453 has held that where the discharge order mentions other instances of unauthorized absence of the probationer and concluding that he was not interested in training and had no respect for discipline, then making of such remarks in the termination order cannot be said to make the termination order a stigmatic one. Paras 4,5 7 and 8 of the judgment in the case of ***Tapas Roy (supra)*** read as under:-

“4. The High Court allowed the writ petition holding that Rule 10 of the Rules did not apply in the facts of the case. It was also of the view that the statement, quoted below; in the order of discharge casts a stigma on the respondent. Since no opportunity of hearing had been granted to the respondent, therefore, the order could not be sustained. The decision of the Tribunal was, accordingly, set aside and the appellants were given liberty to take appropriate action against the respondent on the same grounds in accordance with law.

5. The particular passage from the order of discharge which the High Court found to be stigmatic reads as follows:

“I am convinced that he is not likely to make an efficient constable and is unsuitable for the Police Department. His frequent

unauthorised absence from training centre also indicates his lack of interest in training and his scant respect for discipline.”

7. The order of discharge has, as we have already indicated, set out several instances of the respondent absenting himself unauthorisedly from the training centre. These facts have been relied upon for the purpose of concluding that the respondent was not interested in the training and had no respect for discipline. This conclusion was a ground for holding that the respondent was unsuitable for the Police Department.

8. The High Court was of the view that Rule 10 of the Rules did not apply to orders which were stigmatic. As has already been held by this Court in Pavanendra Narayan Verma v. Sanjay Gandhi Post Graduate Institute Medical Sciences 2002(92)FLR349(SC) that in order to constitute a stigmatic order necessitating a formal inquiry, it would have to be seen whether prior to the passing of the order, there was an inquiry into the allegations involving moral turpitude or misconduct so that the order of discharge was really a finding of guilt. If any of these three factors are absent, the order would not be punitive. We have also held that a stigma in the wider sense of the word is implicit in every order of termination during probation. It is only when there is something more than imputing unsuitability for the post in question, that the order may be considered to be stigmatic. In our view, the language quoted earlier in the discharge order, cannot be said to be stigmatic as it neither alleges any moral turpitude or misconduct on the part of the respondent nor was there an inquiry as such preceding the order of discharge. The order has been passed strictly in terms of Rule 10 of the Rules. We are, accordingly, of the view that the appeal must be allowed. It is, accordingly, allowed and the impugned order is set aside.”  
(emphasis added)

6. Also, the Supreme Court in the judgment reported as ***Chaitanya Prakash and Anr. Vs. H. Omkarappa (2010) 2 SCC 623*** has again held that there is no need for following the principles of natural justice while terminating the services of a probationer and even if the termination order

refers to the unsatisfactory services of the probationer, the order is not stigmatic. Paras 18 and 21 of this judgment read as under:-

“18. It is no longer *res integra* that even if an order of termination refers to unsatisfactory service of the person concerned, the same cannot be said to be stigmatic. In this connection, we make a reference to the decision of the decision of the Supreme Court in ***Abhijit Gupta v. S.N.B. National Centre, Basic Sciences*** (supra), wherein also a similar letter was issued to the concerned employee intimating him that his performance was unsatisfactory and, therefore, he is not suitable for confirmation. We have considered the ratio in light of the facts of the said case and we are of the considered opinion that the basic facts of the said case are almost similar to the one in hand. There also, letters were issued to the concerned employee to improve his performance in the areas of his duties and that despite such communications the service was found to be unsatisfactory. In the result, a letter was issued to him pointing out that his service was found to be unsatisfactory and that he was not suitable for confirmation, and, therefore, his probation period was not extended and his service was terminated, which was challenged on the ground that the same was stigmatic for alleged misconduct. The Supreme Court negated the said contention and upheld the order of termination.

21. In ***Abhijit Gupta*** (Supra.), this Court considered as to what will be the real test to be applied in a situation where an employee is removed by an innocuous order of termination i.e whether he is discharged as unsuitable or he is punished for his misconduct. In order to answer the said question, the Court relied and referred to the decision of this Court in ***Allahabad Bank Officers Assn. v. Allahabad Bank*** (1996) 4 SCC 504; where it is stated thus:

“14. ...As pointed out in this judgment, expressions like "want of application", "lack of potential" and "found not dependable" when made in relation to the work of the employee would not be sufficient to attract the charge that they are stigmatic and intended to dismiss the employee from service.”

7. In the case of ***Rajesh Kumar Srivastava Vs. State of Jharkhand and Ors. (2011) 4 SCC 447*** Supreme Court has held that while taking a decision to terminate the services of the probationer, no notice is required to be given to the probationer nor is the probationer required to be given any opportunity of hearing. Para 10 of the said judgment reads as under:-

“10. The aforesaid decision to release him from service was taken by the Respondents considering his overall performance, conduct and suitability for the job. While taking a decision in this regard neither any notice is required to be given to the Appellant nor he is required to be given any opportunity of hearing. Strictly speaking, it is not a case of removal as sought to be made out by the Appellant, but was a case of simple discharge from service. It is, therefore, only a termination simpliciter and not removal from service on the grounds of indiscipline or misconduct. While adjudging his performance, conduct and overall suitability, his performance record as also the report from the higher authorities were called for and they were looked into before any decision was taken as to whether the officer concerned should be continued in service or not.”

8. In the case of ***Abhijit Gupta Vs. S.N.B.National Centre, Basic Sciences & Ors. (2006) 4 SCC 469*** Supreme Court has held that even when a termination order of a probationer referred to earlier letters which called the probationer a person of “perverted mind” and “dishonest, duffer having no capacity to learn” yet, the order would not be stigmatic one, and merely that if such an order was read by a prospective employer would prejudice the probationer’s future employment, the same is not a correct test

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to determine the termination order as stigmatic. Paras 4,5,8,10,13, 15,16 and 17 are relevant which read as under:-

“4. On 20<sup>th</sup> November 1995 the appellant was served with a letter informing him that his performance during the probationary period was "far from satisfactory" and that it had been observed that he lacked drive, imagination and initiative 'in the performance of his duties'. He was informed that, despite being told time and again to improve performance in the said areas, but with no effect. He was advised to improve "in order to enable us to consider your case for confirmation favourably". He was issued several such letters drawing his attention to the fact that his services left much to be desired. His probationary service came to be extended from time to time, the last such extension being granted till 9<sup>th</sup> April 1998. Finally, by the letter dated 7.4.1998 the petitioner was informed that his service was "unsatisfactory in the areas of drive, initiative, promptness and leadership" and that despite advised verbally and through letter, what were deficiencies in his work he had shown no improvement. His attendance, office work and attention to the academic work and the affairs of the guest house were also unsatisfactory. The first respondent, therefore, said "your performance, ability and capability during the period of probation has been examined and your service during the period of probation is found to be unsatisfactory and hence you are considered unsuitable for the post you have to. The governing body is of the view that your performance was unsatisfactory and you are not suitable for confirmation". For these reasons the appellant's probationary period was not extended on the expiration of his probation period on 9<sup>th</sup> April 1999.

5. The appellant challenged the order of termination of his service on the ground that it was a stigmatic termination by way of punishment for alleged misconducts. The learned single Judge of the High Court allowed the writ petition and quashed the order of termination and directed re-instatement of the appellant with full back- wages. The Division Bench of the High Court, however, allowed the letters patent appeal and held that the letter dated 7<sup>th</sup> April 1998 was not stigmatic and that it was a legitimate exercise of assessment of probationer's service by the employer, and, therefore, there was no scope for judicial

interference therewith. In this view of the matter, the Division Bench allowed the appeal, set aside the judgment of the learned single Judge and dismissed the writ petition. Hence, this appeal.

8. Heavy reliance was placed on ***Dipti Prakash Banerjee v. Satyendra Nath Bose National center for Basic Sciences, Calcutta and Ors.*** [1999]1SCR532 ,where this Court held that the termination of service of the employee in similar circumstances amounted to misconduct. We may mention here that it is common ground that while the matter was pending before the learned single Judge, sometime in the year 2005, the appellant attained the age of superannuation. The learned Counsel for the appellant contended that in the letter dated 7.4.1998 there is reference to certain earlier letters in which the appellant had been called a person of "perverted mind" and "dishonest, duffer having no capacity to learn". A reading of all the letters referred to in the letter of 7.4.1998 would clearly make out a case of allegations of misconduct against the appellant, in the submission of the learned Counsel.

10. In ***Pavanendra Narayan Verma v. Sanjay Gandhi PGI of Medical Sciences and Anr.*** (2002)ILLJ690SC this Court considered what should be the best to determine whether a letter of termination of service was termination simpliciter or stigmatic termination. After referring to a number of authorities including the judgment in ***Parshotam Lal Dhingra v. Union of India*** (1958)ILLJ544SC and ***Dipti Prakash Banerjee*** (supra) the Court observed (vide para 19):

“Courts continue to struggle with semantically indistinguishable concepts like motive" and "foundation"; and terminations founded on a probationer's misconduct have been held to be illegal while terminations motivated by the probationer's misconduct have been upheld. The decisions are legion and it is an impossible task to find a clear path through the jungle of precedents.”

13. In the case of the appellant before us, the record in uncertain terms makes it clear that every time the appellants attention was drawn to his deficiencies and he was repeatedly advised to improve his behavior, conduct and discharge of work. True, that in some of the letters there was intemperate language used (the appellant was also equally guilty of doing that). Notwithstanding the intemperate language, we are

unable to accept the contention of the appellant's counsel that the letter dated 7.4.1998 indicates that the appellant was being charged with the misconduct and, therefore, being removed from service. Read as a whole, the letter gives the impression that the removal of the appellant from service was only because the respondents, after giving a long rope to the appellant, had come to the conclusion that the appellant's service was unsatisfactory and there was no hope of his improvement.

15. The learned Counsel for the appellant, however, strongly contends that the "stigma" cast on the employee may not be confined to his personal character but may also affect his capacity to work. The test, learned Counsel for the appellant submitted, is that, if what is stated in the order of termination is read by a future employer, it prejudices the future employment of the employee. In the face of the law laid down in the judgment just referred, we are unable to accept this as the correct test.

16. In ***Ravindra Kumar Misra v. U.P. State Handloom Corporation Ltd. and Anr.*** (1988)ILLJ73SC this Court pointed out that in a large corporation administration is bound to be impersonal and in regard to public officers assessment of service has got to be in writing for purposes of record, though it cannot be assumed that such an assessment recorded and the order of termination made with reference to that record would automatically take a punitive character.

17. The High Court has carefully considered all the circumstances placed before it and arrived at the conclusion that the respondent's work was under observation during the probationary period and that he was given repeated opportunities to improve his performance for which purpose his probation was extended from time to time. The fact that the authority did not find him fit for confirmation was also brought to his notice several times and yet he was given opportunities of improving by extending his probationary service. The High Court has correctly found that the letter dated 7.4.1998 was not punitive in nature and stated, albeit in prolix fashion, that the service of the appellant were unsatisfactory. The High Court points out, and we agree, that detailed reference to all other correspondence was not necessary, but it did not reflect any malice or bias. Finally, as this Court pointed out in P.N. Verma's case (supra) "a termination order which explicitly states

what is implicit in every order of termination of a probationer's appointment, does not ipso facto become stigmatic”

(underlining added)

9. It is therefore clear that an honest assessment of the nature of service performed by an employee when so stated in the order of termination does not make the termination order stigmatic. The case of *Abhijit Gupta (supra)* is a stark example on the point that even if the termination order makes reference to earlier letters which call the employee of “perverted mind” and “dishonest, duffer having no capacity to learn” cannot make the termination order a stigmatic one. The Supreme Court has also observed that while taking a decision with respect to termination of services of a probationer no notice is necessary to be given to the probationer.

10. It may be noted that in the grounds of appeal filed before the Tribunal, respondent No.1 has not taken the stand that the factual statements which were made in the termination order dated 27/29.6.1998 are not correct. It was necessary for the respondent No.1 to specifically rebut each aspect stated in the termination order, and in the absence of challenge to the contents of the termination order the same has to be taken as correct. I may also additionally note that it is not the case of respondent No.1 before the Tribunal that because of the alleged stigmatic order the respondent No.1 has not been able to obtain any other services. Also, this aspect is really

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irrelevant in view of the judgment of the Supreme Court in the case of *Abhijit Gupta (supra)* which states that it is not a test that if what is stated in the order of termination is read by a future employer, the same can prejudice the future employment of the employee.

11. In view of the above, I hold that the impugned order of termination dated 27/29.6.1998 is not stigmatic, not only because of the ratios of the judgments of the Supreme Court stated above, but also more importantly because the respondent No.1 has not disputed specifically the factual averments which were made in the order of termination. I may also state that it is now settled law that there is difference between motive for removal and foundation for removal, and once unsatisfactory services or any misconduct is only a motive for removal, and is not the foundation for removal, it is not necessary that principles of natural justice have to be followed before termination of services of such a probationer.

12. In view of the above, writ petition is allowed. Impugned order of the DST dated 31.3.2009 is set aside. The termination order issued by the petitioner-school dated 27/29.6.1998 is upheld. Parties are left to bear their own costs.

**W.P.(C) No.10574/2009**

1. The facts of the present case are more or less similar to the facts

in W.P.(C) No.10573/2009 inasmuch as the termination order dated 27/29.6.1998 reads as under:-

SBPS/AN/98/950

JUNE 27/29, 1998

OFFICE ORDER

Whereas Mrs. Meenu Garg was appointed as Trained Graduate Teacher (Sanskrit), in the Shiksha Bharti Sr. Secondary Public School on probation, initially for a period of one year with effect from 1.07.1996.

AND WHEREAS on first review, the Managing Committee, in its meeting held on 01.06.1997, found that the work and conduct of said Mrs. Yadav, during the initial period of probation, had not been upto the mark; that she be given another opportunity to bring needed improvement in her work and conduct.

AND WHEREAS in pursuance of aforesaid decision of the Managing Committee, the initial period of probation in respect of said Mrs. Garg extended for another year with effect from 1.7.1997 vide order No. SBPS/25/Staff/dated 16.06.1997.

AND WHEREAS on second review of her work during the extended period of probation, the Managing Committee, in its meeting held on 05.06.1998, noted with concern that said Mrs. Garg has failed to bring needed improvement in her work and conduct; that she indulged in acts of insubordination and indiscipline; that her conduct has also been unbecoming of a teacher; and that the Committee came to the conclusion that said Mrs. Meenu Garg is not a fit person to be retained in the services of Shiksha Bharati Sr. Secondary Public School; and that it decided and RESOLVED:-

“THAT THE SERVICES OF SAID MRS. MEENU GARG BE TERMINATED IMMEDIATELY BEFORE THE EXPIRY OF EXTENDED PERIOD OF PROBATION ON 30.06.1998.”

NOW IN PURSUANCE of the aforesaid decision of the Managing Committee, the services of Mrs. Meenu Garg, a Trained Graduate Teacher (Sanskrit) are hereby terminated with effect from 30.06.1998 (afternoon); and that she be deemed relieved accordingly.

BY ORDER &  
IN THE NAME OF MANAGING COMMITTEE  
SHIKSHA BHARTI SR. SECON. PUBLIC SCHOOL  
MANAGER

Mrs. Meenu Garg  
D-153C, Raj Nagar Part-II  
Palam Colony  
New Delhi-110045

Copy forwarded to:-

1. The Principal, Shiksha Bharti Sr. Secondary Public School
2. The Accountant, Shiksha Bharti Sr. Secondary Public School.
3. The Education Officer, Zone XXI, Dist. South West, Vasant Vihar, New Delhi.
4. Personal file

MANAGER”

2. In view of the reasoning given while disposing of W.P.(C) No.10573/2009 and adopting the same this writ petition is also allowed. Impugned order dated 31.3.2009 is set aside. The termination order issued by the petitioner-school dated 27/29.6.1998 is upheld. Parties are left to bear their own costs.

**W.P.(C) No.10575/2009**

1. The facts of the present case are more or less similar to the facts in W.P.(C) No.10573/2009 inasmuch as the termination order dated 27/29.6.1998 reads as under:-

“SBPS/AN/98/952

JUNE 27/29, 1998

**OFFICE ORDER**

Whereas Mrs. Krishna Ahlawat was appointed as Trained Graduate  
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Teacher (Hindi), in the Shiksha Bharti Sr. Secondary Public School on probation, initially for a period of one year with effect from 1.07.1996.

AND WHEREAS on first review, the Managing Committee, in its meeting held on 01.06.1997, found that the work and conduct of said Mrs. Ahlawat, during the initial period of probation, had not been upto the mark; that she be given another opportunity to bring needed improvement in her work and conduct.

AND WHEREAS in pursuance of aforesaid decision of the Managing Committee, the initial period of probation in respect of said Mrs. Ahlawat was extended for another year with effect from 1.7.1997 vide order No. SBPS/25/Staff/dated 16.06.1997.

AND WHEREAS on second review of her work during the extended period of probation, the Managing Committee, in its meeting held on 05.06.1998, noted with concern that the work and conduct of said Mrs. Ahlawat, during the extended period of probation, had not been satisfactory; that she indulged in activities prejudicial to the interest of the school; that she acted in a manner unbecoming of a teacher and the Committee came to the conclusion that said Mrs. Krishna Ahlawat is not a fit person to be retained in the services of Shiksha Bharti Sr. Secondary Public School; and that it decided and RESOLVED:

“THAT THE SERVICES OF SAID MRS. KRISHAN AHLAWAT BE TERMINATED IMMEDIATELY BEFORE THE EXPIRY OF EXTENDED PERIOD OF PROBATION ON 30.06.1999.”

NOW IN PURSUANCE of the aforesaid decision of the Managing Committee, the services of Mrs. Krishna Ahlawat, TGT (Hindi) are hereby terminated with effect from 30.06.1998 (afternoon); and that she be deemed relieved accordingly.

BY ORDER &  
IN THE NAME OF MANAGING COMMITTEE  
SHIKSHA BHARTI SR. SECON. PUBLIC SCHOOL  
MANAGER

Mrs. Krishna Ahlawat  
Major Bhola Ram Enclave  
V&PO : Pochanpur

New Delhi-110045

Copy forwarded to:-

1. The Principal, Shiksha Bharti Sr. Secondary Public School
2. The Accountant, Shiksha Bharti Sr. Secondary Public School.
3. The Education Officer, Zone XXI, Dist. South West, Vasant Vihar, New Delhi.
4. Personal file

MANAGER”

2. In view of the reasoning given while disposing of W.P.(C) No.10573/2009 and adopting the same this writ petition is also allowed. Impugned order dated 31.3.2009 is set aside. The termination order issued by the petitioner-school dated 27/29.6.1998 is upheld. Parties are left to bear their own costs.

**W.P.(C) Nos. 1279/2011, 3608/2011 and 1291/2011**

1. These three petitions are by the employees seeking enhancement of back wages which have been limited only to 50% by the self-same order of the DST.

2. Since writ petitions of the school have been allowed and the impugned orders of the Tribunal have been quashed, consequently, therefore no reliefs can be granted in these writ petitions and the same are therefore dismissed, leaving the parties to bear their own costs.

**SEPTEMBER 03, 2013**

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