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

+ W.P.(C) 3795/2014 & W.P.(C) 5013/2014

% **2nd February, 2015**

W.P.(C) 3795/2014

MRS. ARCHANA CHUGH Petitioner

Through : Mr. Ashok Aggarwal, Adv.

versus

THE MANAGING COMMITTEE,
RAMJAS SCHOOL AND ORS. Respondents

Through : Mr. Rakesh Tiku, Sr. Adv. with
Mr. Atul Jain and Mr. Abhishek
Kumar, Adv. for R-1, 2 & 4 with R-4
in person.
Ms. Purnima Maheshwari, Adv. for
D-3.

W.P.(C) 5013/2014

SHRI DINESH SHARMA Petitioner

Through : Mr. Ashok Aggarwal, Adv.

versus

RAMJAS SCHOOL & ORS. Respondents

Through : Mr. Rakesh Tiku, Sr. Adv. with
Mr. Atul Jain and Mr. Abhishek
Kumar, Adv. for R-1, 2 & 4 with R-4
in person.
Ms. Purnima Maheshwari, Adv. for D-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) 3795/2014

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner seeks the relief of setting aside of the impugned order dated 07.05.2014 passed by the respondents No.1 & 2/Ramjas School whereby the respondent No.4 has been appointed as an Officiating Principal (H.O.S.) of the School, and not the petitioner.

2. I put it to the learned counsel for the petitioner that which is the law or the valid rule or office order issued by the Directorate of Education under the relevant provisions of the Delhi School Education Act & Rules, 1973 which states that only a senior most teacher/PGT should be appointed as an Officiating Principal and nobody else. To this query, no pleading in the writ petition has been shown before me which pleads that by virtue of which specific provision of the Act or Rules, or because of a particular notification issued by the Directorate of Education under the said Act & Rules, the senior most PGT should be appointed as an Officiating Principal. Thus no legal cause of action is pleaded in the writ petition and in the absence of the same the writ petition is liable to be dismissed.

3. However, counsel for the petitioner seeks to draw the attention of this Court to a note taken out in Dixit's School Manual, and which is filed not with the writ petition but with the rejoinder affidavit, and which note reads as under:-

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**Senior-most Teacher should be given Charge of School in the
Absence of the Regular Head of School**

Instances have been brought to our notice where, in the absence of the regular head of school, a junior teacher has been asked to officiate as the head of the school even when the senior-most person was available. This practice is highly objectionable and contrary to rules.

The Director of Education has desired that officiating charge of the school should be given only to the senior-most teacher. Only when the senior-most teacher is either not eligible or available, should the next teacher on the seniority list be asked to officiate.

[Dte. Of Edn., School Branch, Vide No.18021-18041, dt. 29.03.1990]”

4. In my opinion, what has been written in a book, and without the complete relevant circular having been filed before this Court, being the complete circular dated 29.03.1990, this court cannot decide whether only a senior most teacher should be made an Officiating Principal, because the complete language of the circular will have to be looked at for interpreting the same. It is perfectly possible that the circular dated 29.03.1990 may not

comply to un-aided private schools such as respondents No.1 & 2 or it is possible that language of the Circular dated 29.03.1990 is not exactly culled out in the note which is relied before this Court.

5. In view of the above, I do not find that any legal cause of action is pleaded/exists for the petitioner to claim that she should have been appointed as the Officiating Principal of the respondents No.1 & 2/Ramjas School merely on the ground that the petitioner is the senior most PGT.

6. Dismissed.

W.P.(C) 5013/2014

7. The only relief which is pressed so far as this writ petition is concerned is again of the claim of the petitioner to be appointed as an Officiating Principal, and which claim of the petitioner cannot be granted, in view of the observations made while disposing of W.P.(C) 3795/2014.

8. This writ petition is also therefore dismissed.

FEBRUARY 02, 2015
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VALMIKI J. MEHTA, J