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

+ W.P.(C) 6555/2013

NEELAM KAPUR

..... Petitioner

Through: Mr. R.K. Saini, Adv.

Versus

DIRECTOR OF EDUCATION & ORS.

..... Respondents

Through: Mr. Satyakam and Mr. Prakash Kumar
Singh, Advs. for R-1 with Mrs. Meena
Goswami, DEO, Zone-7.

Mr. Ashok Chhabra, Adv. for R-2 to
7.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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03.09.2015

1. The petition impugns the communication dated 25th September, 2013 of the respondent No.5 Diocese of Delhi (The Church of North India) informing the petitioner that the Delhi Diocesan Executive Committee in its meeting held on 6th September, 2013 has appointed Rev. Ashok Kumar David as the Manager of Queen Mary's School in place of the petitioner.

2. It is the contention of the petitioner, appointed as the Manager of the said School with effect from 31st August, 2007, that her removal as the Manager of the School, in the said manner, without any notice to show cause and without being afforded any opportunity of being heard and without any enquiry, is illegal, arbitrary, *mala fide* and without jurisdiction and in violation of the rules and regulations and the Scheme of Management of the School.

3. The petition was entertained, though the interim relief sought declined and LPA No.161/2014 preferred thereagainst was disposed of on 12th March, 2014 by directing this petition to be heard.

4. The counsel for the respondents No.2 to 7, namely (i) The Governing Body, Queen Mary's School; (ii) The Managing Committee, Queen Mary's School; (iii) The Helen Jerwood Memorial Education Society of the Diocese of Delhi of the Church of North India; (iv) Diocese of Delhi (The Church of North India); (v) Sh. Sunil K. Singh, The Chairman, COM & Bishop of Delhi, Diocese of Delhi; and, (vi) Revd. Ashok K. David, C/o Diocese of Delhi, states, (a) that the petitioner was the Principal of Queen Mary's School; (b) that with effect from 31st August, 2007 she was given additional charge as Manager of the School; (c) that the petitioner, on attaining the age of superannuation, retired from the post of Principal of the School in August, 2013 and accordingly, simultaneously, the respondent No.7 Rev. Ashok K. David was appointed as the Manager of the School in her place. On specific enquiry from the counsel for the respondents No.2 to 7, whether there was any reason in the nature of stigma or misconduct for removal of the petitioner as Manager of the School, the counsel for the respondents No.2 to 7 states that it was not even a removal as it was felt that the petitioner having ceased to be the Principal, could not continue as the Manager of the School.

5. Though the counsel for the petitioner has commenced his arguments, to find fault with the action aforesaid of the respondents No.2 to 4, but I find that on 9th April, 2015 and 23rd April, 2015, the following orders were passed in the petition:

“9th April, 2015

The petitioner impugns a communication dated 25.09.2013 appointing respondent No.7 as a Manager of the School in place of the petitioner. The learned counsel for the petitioner states that this constitutes her unceremonious termination and the present petition has been filed only to vindicate her honour. Learned counsel further submits that without prejudice to the rights of the petitioner, she is ready and willing to tender her resignation within one week if the said removal order is withdrawn.

Learned counsel for the respondent seeks time to take instructions.

Renotify on 23.04.2015.

23rd April, 2015

Learned counsel for the respondent states that the petitioner is has vacated office and, therefore, there is no question of accepting her resignation at this stage.

Mr R.K. Saini, learned counsel for the petitioner is stated to be unwell.

Accordingly, list for further arguments on 13.8.2015”

6. On enquiry, the counsel for the petitioner states that the petitioner is not keeping good health and even in the event of succeeding in this petition, owing to her health, would not like to act for more than a day as the Manager of the School and would submit her resignation. He reiterates that this petition was filed by the petitioner only to vindicate her honour.

7. In the aforesaid view of the matter, I am of the opinion that the issues of law and facts raised in this petition need not be adjudicated. A Division Bench of this Court of which the undersigned was a member in ***Association for Development Vs. Union of India*** 167 (2010) DLT 481 following the dicta of the Supreme Court in ***Arnit Das Vs. State of Bihar*** (2001) 7 SCC 657 and which reasoning has thereafter been followed in ***Binay Kumar Vs. W.P.(C) 6555/2013***

Govt. of India 2010 SCC Online Delhi 1471 and *Guru Gobind Singh Indraprastha University Vs. Dr. Smit Rajput* 2015 SCC Online Delhi 9130 settled practice is that the Court does not decide matter which are only of academic interest on the facts of a particular case and no purpose would be served by adjudication whereof. This is more so today, inasmuch as before this Bench, more matters are listed every day than can be dealt with and in the last two months there has rarely been a day when I have been able to complete the Cause List of the day. It is thus felt that time should not be spent in deciding whether the petitioner is correct when the petitioner, even if were to succeed, is, at her own volition, not to continue as the Manager of the School. That time had rather be used to consider the case of someone else in urgent need of relief.

8. Following the aforesaid reasoning, I dispose of this petition. However, keeping in view the advanced age and precarious health condition of the petitioner, and even otherwise, it is deemed appropriate to clarify that the honour and reputation and the service rendered by the petitioner to the School remains unaffected by her ceasing to be the Manager, which as aforesaid was only on account of ceasing to be the Principal of the School.

With the aforesaid, the petition is disposed of.

No costs.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 03, 2015

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