

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

+ **W.P.(C) No.8170/2014**

% **5th May, 2015**

MRS. SUNITA NAYYAR Petitioner
Through Mr. Ashok Agarwal, Advocate with
Mr. Anuj Agarwal

versus

DIRECTOR OF EDUCATION & ORS. Respondents
Through Ms. Nidhi Raman, Advocate for
respondent no.1
Mr. Vikas Nagpal, Advocate for
respondent nos.2 and 3

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition filed under Article 226 of the Constitution of India, petitioner, who is an employee of respondent no.3/J.L.D.A.V. Public School, seeks the relief that respondent no.1/The Directorate of Education be directed to take action against respondent no.2/D.A.V. College Managing Committee and respondent no.3/J.L.D.A.V. Public School for harassing the petitioner.

2. The facts of the case are that the petitioner is admittedly an employee of respondent no.3/School. On account of a complaint made by the petitioner of

her harassment by the respondent no.3/School, including existence of unhygienic conditions in the respondent no.3/School and non-assignment of subjects and proper duties to the petitioner, the Directorate of Education had got conducted an inspection and the Enquiry Committee gave its report dated 12.8.2013 finding true the case of harassment of the petitioner.

3. There were earlier legal proceedings between the parties and a Division Bench of this Court in LPA No.337/2013 directed the respondent no.1/ Directorate of Education to look into the grievances of the petitioner and redress the same. This order dated 20.5.2013 was passed in LPA No.337/2013 titled as *Sunita Nayyar Vs. Govt of NCT of Delhi and Ors.* On the direction of the Directorate of Education, another enquiry committee was constituted and this Enquiry Committee by its report dated 10.12.2014 found that the respondent no.3/School has falsely/wrongly stated that unhygienic conditions were removed and that the petitioner was not being harassed.

4. The conclusion in this second report of the Enquiry Committee dated 10.12.2014 reads as under:-

“Conclusion:-

From the investigations on the fact finding inquiry, on the complaint and after the advisory by the Distt. Office, the Committee collected evidence and statements of the students and the Committee came to conclusion that the allegations against the management and Principal of

1. There is no proper Home science lab.
2. New machine for gym required.
3. Instruments for music room required
4. Carpets in gym, music, dance rooms
5. Proper music system for dance room
6. No proper facility or water in washroom
7. No pure drinking water
8. Needs of utensils and refrigerator.

Sd/-
Mrs. Kamla Nibhal
E.O. Zone 17
Member

Sd/-	Sd/-
Sh. MUKESH DOGRA	Sh. Gautam Arora
Asstt. Accounts Officer	ADE(WB)
Member	Member

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5. I am informed by the learned counsels for the parties that the Directorate of Education has now again issued a show cause notice to respondent no.3/School pursuant to this second report of the Enquiry Committee and the learned counsel appearing for respondent no.3/School says that the respondent no.3/School has removed all the grievances of the petitioner, which have been found against the respondent no.3/School as per the second report of the Enquiry Committee dated 10.12.2014.

6. In view of the above, the learned counsel for the petitioner agrees that this writ petition can be disposed of by giving directions that the Directorate of Education will now look into the reply to the show cause notice given by respondent no.3/School to the report of the Enquiry Committee dated 10.12.2014, and the Directorate of Education will take action against the respondent no.3/School under the provisions of the Delhi School Education Act and Rules, 1973, if the conclusions of the second Enquiry Committee dated 10.12.2014 are correct and the harassment of the petitioner has continued. The Directorate of Education can also, if required, conduct a surprise inspection of the respondent no.3/School with respect to the grievances raised by the petitioner. Of course, if all the grievances of the petitioner which are the subject matter of the Delhi School Education Act and

Rules, 1973 have been removed, then, obviously the Directorate of Education need not thereafter proceed against the respondent no.3/School.

7. Let the Directorate of Education take and complete the necessary proceedings pursuant to the report of the second Enquiry Committee dated 10.12.2014 within a period of six weeks from today and the petitioner will be informed of the steps which have been taken by the Directorate of Education to ensure compliance of the Delhi School Education Act and Rules, 1973 as regards her complaint.

8. The writ petition is disposed of accordingly in terms of the aforesaid observations.

9. No costs.

MAY 05, 2015
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VALMIKI J. MEHTA, J.