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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2785/2015
VINAY KUMAR & ORS Petitioners
Through: Ms.Kiran Singh, Adv.

Versus

DIRECTORATE OF EDUCATION, GOVT. OF NCT, OLD SECTT.,
DELHI Respondent
Through: Mr.Gursharan Singh, Adv. for R-1.
Dr. Mohd. Javed Qama, Principal
CSA GBSSS NFC/ Representative of
Directorate of Education.
Mr. S.C.Rana, Adv. for R-2.
Ms.Shubhra Parashar, Adv. for R-3

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

% **ORDER**
29.09.2016

The petitioner seeks the setting aside of the order passed by the Delhi School Tribunal which has declined to entertain the petitioner's case on the ground that it had no jurisdiction because the petitioner did not seek any relief from the said Tribunal except the grant of a personal hearing from respondent No. 1 i.e. Director of GNCTD. The said hearing was given to them and a reasoned order was passed on 11.02.2010, para 7 of which reads as under:

“.....7. And whereas the 5 petitioners of CWP 2660/1998 out of 6, attended the hearing and during the course of hearing they submitted as below:-
i. The school management including sh. Rajinder Kataria terminated them.

ii. On being asked whether they were given any opportunity to join duties they accepted that they were asked to join duties vide letter dated 18.09.1997, which was received at, headquarter when they were on protest.

iii. They are willing to join their jobs at same remuneration given by Ministry of Social Justice and empowerment, Government of India.

iv. They refused to give statement in writing without the consent of the counsel when requested.....”

The petitioners’ case is that their services have been terminated illegally. The learned counsel, however, refers to para 1.3 and 1.4 of the writ petition which reads as under:

“.....1.3. That the respondent no. 2 principal did not allow petitioners to enter the school on 28/8/1997 and 22/8/97 the petitioners made a representation to this to the Lt. Governor on 28/08/97 and 22/8/97 copy of the letters is marked here as Annexure B 8& C.

1.4. That the above stated incidents were also reported in various newspapers. Finally on 18/9/97 the petitioners where removed from the services infact they were not allowed to enter the school premises of respondent No. 2 as they had refused to sign on document related to the terminated teachers who were protesting against Respondent no.2. Copy of the notice alleging that petitioners were not ready to join service dated 18/9/97is marked here as Annexure C-1.....”

In the aforesaid averments what the petitioners effectively contends is that they were prevented from joining duties in the month of August, 1997. The Court would note that the letter asking them to join/ resume duties is dated 18.09.97 thus giving them an opportunity to resume the employment.

The petitioner either failed or refused to join the duties. The petitioners' contention that they were never allowed to report back to duty, is untenable. The court is unable to conclude such averment from the aforesaid. The petition does not aver that the petitioner was prevented from reporting back to the School after 18th September 1997. Neither is there any document on record in this regard.

In the circumstances, no case is made out. The writ petition is dismissed.

NAJMI WAZIRI, J.

SEPTEMBER 29, 2016

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