

\$~A-32

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

+ CM(M) 960/2016 & CM Nos.35380-35381/2016

THE MANAGING COMMITTEE Petitioner
Through Mr.Sudhanshu Batra, Sr.Adv. with
Mr.Arun Vohra and Ms.Aakriti Vohra, Advs.

versus

M/S DEEPAK PLACEMENT AGENCY & ORS..... Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

26.09.2016

1. An advance copy of the petition has been sent by courier to the respondent. None is present on their behalf.
2. Learned senior counsel for the petitioner seeks to impugn the order dated 6.4.2016 by which the appellate court directed that the respondents can hold their procession beyond 50 ft from the wall/school gate and that the said distance is reasonable and appropriate in the present case keeping in view the geographical condition of the school and the situation of other habitants and building at the place.
3. This order was passed in an appeal against the order dated 4.12.2015 by which the respondents were given liberty to demonstrate/hold dharna provided they have permission from the concerned authority. The respondents were restrained from resorting to violence, aggressive slogans and to create hindrance in ingress and egress of teachers, students, staff and

parents.

4. Learned senior counsel appearing for the petitioner relies upon judgment of this Court in ***Delhi Public School through its Principal and another vs. The Delhi State School Karmchari Union (Regd.) and Ors. 2001 (60) DRJ 361*** to contend that schools have to be given a better treatment than industrial undertakings when the question of allowing their employees to undertake union activities is examined. He submits that a distance of 50 ft as passed by the appellate court in the impugned order is not even the distance of the road which passes in front of the school. He submits that the effect of fixing this distance is to cause inconvenience to teachers, students, staff and parents who come to drop the students. It also causes disturbance in teaching and holding of classes. He has relied upon a map which is annexed at page 410 of the petition.

5. In ***Delhi Public School through its Principal and another vs. The Delhi State School Karmchari Union (Regd.) and Ors. (supra)*** this Court held as follows PARAS 13 AND 14.

13. In the present case, one has also to keep in mind that plaintiff is an educational institution. It is not undertaking any commercial or industrial activity in the popular sense of the term. Such educational institutions which are temples of learning are extended to even better treatment than the industrial undertakings when the question of allowing their employees in undertaking the union activities is to be examined. School employees and their Unions are expected to exercise more restraint. They should be conscious of the surroundings in which they are functioning. They are supposed to act in a more matured and responsible manner than the trade unions of industrial undertakings inasmuch as their activities are going to be noticed by hundreds and thousands of students of tender and impressionable age. Any violence, rowdyism,

unnecessary shouting of slogans, particularly with abusive language may have adverse impact on the minds of such students. Therefore, it would be appropriate to fix the distance within which the defendants are not allowed to hold any such demonstration, etc. This is what is done by interim order dated 15th February, 2000. It may be mentioned that if defendants have legitimate grievances, they can adopt legal means for redressal of the same including by approaching the Directorate of Education and/or Court of law.

14. In a School like that of plaintiff where more than 5000 students are studying and their ages range from 4-5 years (for prep students) to 17-18 years (XIIth standard students) all possible steps are needed to ensure their protection as well, as there should not be any activity which has even slightest chance of causing physical or mental injury. Then, it is also to be borne in mind that many outsiders/visitors keep visiting such School including parents of the students. There may be many functions which the School organise from time to time. It may include sports meet, cultural functions, seminars, etc. On such occasions children and teachers from other Schools as well as dignitaries come and participate.

6. A perusal of the facts of this case show that the persons who are on dharna/demonstration are not employees of the petitioner but are employees of an agency with whom the petitioner has a contract.

7. Keeping in view the facts and circumstances, the order dated 6.4.2016 is modified to the extent that the distance from which the respondents may hold their procession etc. is increased from 50 ft to 100 ft from the gate/wall of the premises. Further the respondents shall hold their demonstration/protest across the road in front of the school but at a minimum distance of 100 ft. From the gate/wall of the school premises. All other terms and conditions of the order dated 6.4.2016 shall remain the

same.

8. Petition stands disposed of. In case the parties have any difficulty, liberty is granted to the parties to approach the trial court with appropriate application. In case such application is filed the trial court may deal with the same in accordance with law.

9. A copy of this order be given dasti under signatures of the Court Master to counsel for the petitioner.

JAYANT NATH, J

SEPTEMBER 26, 2016

n