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

+ W.P.(C) 8700/2016

DIWAN CHAND ARYA SENIOR SECONDARY
SCHOOL AND ANR.

..... Petitioners

Through: Mr. Alok Kumar, Mr. Neeraj Kumar
Gupta and Ms. Shreya, Advs. with Dr. Mohd.
Javed Qamar, Principal.

versus

THE DIRECTOR OF EDUCATION AND ORS. Respondents

Through: Mr. Santosh Kumar Tripathi, ASC for R-
1 & 2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **28.09.2016**

1. It is the petitioners' case that the Disciplinary Committee has found respondent no.3 guilty of the charges levelled against her and the Managing Committee of the petitioner school has recommended her termination of service. Hence, an approval for the same was sought from the Director of Education, Govt. of NCT of Delhi because the petitioner school is a government aided school. The petitioner is aggrieved by the fact that the letter of the Managing Committee of the petitioner dated 30.06.2015, seeking approval of the termination of respondent no.3, has not been responded to.

2. The learned counsel for respondent nos. 1 and 2, who appears on service of advance copy, submits that for a trifling charge, disproportionate penalty has been imposed upon respondent no.3 recommending her removal

from service; furthermore the said respondent has not been paid subsistence allowance which is 50% of her salary, for the past one year of suspension.

3. Be that as it may, a decision is to be taken by the GNCTD upon the recommendation made by the petitioners by their letter dated 30.06.2015.

4. At the request of the learned counsel for the petitioners the writ petition shall be treated as the petitioners' representation by the Director of Education, Govt. of NCT of Delhi, who shall take a view in the matter within six weeks from today and dispose it off with a speaking order. The petitioner and respondent no.3 shall be heard before a decision is taken. For this purpose the parties shall appear before the Director of Education on 26.10.2016 at 3.00 p.m.

5. At this stage, the learned counsel for the petitioner states that if subsistence allowance has not been paid, it shall be promptly paid within a week of receipt of affidavits from respondent no.3 that she has not worked elsewhere for the intervening period.

6. With the above directions, the petition stands disposed off. It is made clear that this Court has not expressed any opinion on the merits of the case.

NAJMI WAZIRI, J

SEPTEMBER 28, 2016/kk