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

+ W.P.(C) 460/2016

BAL VIKAS SAMITI (REGD.) & ANR Petitioners

Through: Mr. Bipul Kumar, Advocate with Mr.
Subhash Kumar, Advocate and Ms.
Kusum, Advocate.

versus

ANIL KUMAR SHARMA & ANR Respondents

Through: Mr. Naushad Alam, Advocate for
respondent No.1 with respondent no.1
in person.
Kumar Rajesh Singh, Standing
Counsel for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **24.01.2017**

1. In a similar matter in W.P.(C) No.3105/2016, the following order was passed on 12.1.2017:-

“1. Petitioner-school by this writ petition impugned the order of the Delhi School Tribunal dated 10.7.2015, by which the Delhi School Tribunal has reinstated the respondent no.1 herein to the services of the petitioner no.2-school.

2. In essence, the Delhi School Tribunal has held that respondent no.1 was a teacher in the petitioner no.2-school and hence could not have been removed without following the due process of law contained in Rules 118 and 120 of the Delhi School Education Act and Rules, 1973. Learned counsel for the petitioner no.2 states that the respondent no.1 was disqualified for appointment and for continuing as a teacher because respondent no.1 did not have the necessary qualifications for being appointed

as a teacher in terms of the provisions of the Delhi School Education Act and Rules as also applicable guidelines, circulars etc. Accordingly, it is stated that the services of the respondent no.1 had to be terminated.

3. Accordingly, counsel for the petitioner no.2-school states that this writ petition be allowed to be withdrawn with liberty to the petitioner to take action against the respondent no.1 in accordance with due process of law as per the provisions of the Delhi School Education Act and Rules, 1973 and the applicable guidelines, circulars etc for terminating the services of the respondent no.1. The writ petition is accordingly allowed to be withdrawn with the aforesaid liberty.

4. Learned counsel for the petitioner no.2-school also states that school has been closed since April, 2016, and therefore, services of respondent no.1 are no longer required w.e.f. April 2016. If that be so, and subject to the necessary provisions of law, this is a fresh cause of action for the petitioner for seeking any relief in appropriate proceedings or for taking any appropriate action in accordance with law.

5. The writ petition is accordingly disposed of as withdrawn subject to the aforesaid observations and liberty.

Dasti to counsels for the parties.”

2. It is agreed and accordingly this writ petition will also stand disposed of as per the observations and directions contained in the order dated 12.1.2017 disposing of W.P.(C) No.3105/2016.

VALMIKI J. MEHTA, J

JANUARY 24, 2017/Ne