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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) No. 11899/2006

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24th January, 2017

SMT. SWARAN LATA

..... Petitioner

Through: None.

versus

RASHTRAPATI BHAVAN, KALYAN KENDRA AND ANR.

..... Respondents

Through: None.

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 under Article 226 of the Constitution of India, the petitioner/Smt. Swaran Lata challenges the letter of termination of her services dated 1.5.2006 issued by the respondent no. 1/Rashtrapati Bhavan, Kalyan Kendra.

2. Petitioner claims that she was appointed as a teacher by the respondent no. 1 and worked without any break from 17.7.1990 to 1.5.2006 and hence her termination from services is illegal.

3. Respondent no. 1 has filed a counter affidavit and stated that respondent no. 1 is a private organization which was established on 10.8.1971 by the then President Sh. V.V. Giri for social upliftment of women, improvement of standard of living of families of workers in Rashtrapati Bhavan, etc. It is prayed that appointment of the petitioner was admittedly in terms of the appointment letter on temporary basis and which was to be terminable on 15 days notice of either side. It was also pleaded that against the petitioner complaints were received that petitioner was not teaching and conducting her classes besides not paying attention towards education of the children and hence the petitioner's services were discontinued by letter dated 1.5.2006.

4. The writ petition will lie in this Court only if there is a school which will be governed by the Delhi School Education Act, 1973. Respondent no. 1 is not running any 'school' governed by Delhi School Education Act because respondent no. 1 is a private association for upliftment/welfare of families of workers of Rashtrapati Bhavan and was not running a school within the meaning of the expression 'school' under the Delhi School Education Act.

5. Accordingly, since there is no school under the Delhi School Education Act of which the petitioner was an employee/teacher, and the fact

that respondent no. 1 is a private organization created only for upliftment/welfare of the employees working in Rashtrapati Bhavan, this writ petition is not maintainable under Article 226 of the Constitution of India.

6. The writ petition is accordingly dismissed.

JANUARY 24, 2017/ 

VALMIKI J. MEHTA, J

