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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3105/2016 & CM No.13174/2016(stay)

BAL VIKAS SAMITI (REGD.) & ORS

Through:

..... Petitioners

Mr. Bipul Kumar, Adv. for Mr. Subhash Chandra and Ms. Kusum, Adv. for P-1 and 2.

versus

MS. MANGESH DHILLOD & ORS

Through:

..... Respondents

Ms. Rachna Aggarwal, Adv. for R-1.
Kumar Rajesh Singh, Standing counsel for EDMC for R-2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **12.01.2017**

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 Accordingly, counsel for the petitioner no.2-school states that this writ petition be allowed to be withdrawn with liberty to the petitioner to take action against the respondent no.1 in accordance with due process of law as per the provisions of the Delhi School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 The writ petition is accordingly allowed to be withdrawn with the aforesaid liberty.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 The writ petition is accordingly disposed of as withdrawn subject to the aforesaid observations and liberty.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.

VALMIKI J. MEHTA, J

JANUARY 12, 2017
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