

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

+ **W.P.(C) No.6873/2008**

% **27th January, 2017**

MANAGEMENT OF MODERN PUBLIC SCHOOL & ANR.

..... Petitioners

Through: None.

versus

PRESIDING OFFICER, DELHI SCHOOL TRIBUNAL & ORS.

..... Respondents

Through: Mr. Satyakam, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not? **YES**

VALMIKI J. MEHTA, J (ORAL)

1. Though there are two petitioners in this case, effectively the petitioner is the Management of Modern Public School i.e the petitioner no.1. Petitioners impugn the order of the Delhi School Tribunal dated 26.8.2008 by which the Delhi School Tribunal has accepted the appeal filed before it by the present respondent no.3/Sh. Anirudh Kumar Pandey and has directed reinstatement of the respondent no.3 with the petitioner no.1/school. The issue is as regards

when the resignation given by the employee, which is the respondent no.3 in this case, became final so that the same cannot be withdrawn.

2. The facts of the case are that the respondent no.3 pleaded that he was in employment as a Music Teacher with the petitioner no.1/school since 4.10.1994 till he was removed on 12.9.2000. Respondent no.3 claims that he was on duty on 11.9.2000 when he was handed over a memo dated 9.9.2000 to submit explanation, and when he was in the school he was forced to give his resignation letter dated 12.9.2000 to the school. Memo dated 9.9.2000 was with regard to respondent no.3 outraging the modesty of girl students and misbehaving with lady teachers. It be noted that before issuing memo of show cause to the respondent no.3 a Sub-Committee of enquiry was appointed by the petitioner no.1/school and only thereafter the respondent no.3 was issued a show cause notice/memo dated 9.9.2000. Respondent no.3 therefore filed the appeal before the Delhi School Tribunal questioning his termination of services stating that he cannot be taken to have resigned from the petitioner no.1/school. Petitioner no.1/school pleaded before the Delhi School Tribunal that there are about 800 girl students studying with the petitioner no.1/school and the petitioner no.1/school has about 80 to 85 lady teachers. The complaint

against the respondent no.3 was received in July, 2000 that he was misbehaving with minor girls and seeking to outrage their modesty. Against the respondent no.3 even the lady teachers of the school had filed complaints and consequently respondent no.3 was issued a memo dated 9.9.2000 to explain his conduct. Respondent no.3, however, so as not to face an enquiry chose to resign and thus the petitioner no.1/school was considerate not to lodge a police report against the respondent no.3. It is claimed by the petitioners that resignation given by the respondent no.3 on 12.9.2000 was accepted by the managing committee of the petitioner no.1/school at 12.10 P.M. on 12.9.2000 itself and thereafter approval was also sought of the Director of Education which was accorded on 15.11.2000.

3. Delhi School Tribunal considered various issues and firstly held that the respondent no.3 should be taken as a regular employee of the school. The next issue to which the Delhi School Tribunal addresses itself, and which is relevant for disposal of the petition, is whether the resignation which was given by the respondent no.3 to the petitioner no.1/school stood final by acceptance thereof by the Managing Committee on 12.9.2000 or the respondent no.3 could have withdrawn his resignation by his alleged letters dated 17.9.2000

and 28.9.2000. Delhi School Tribunal has held that since the approval of the Director of Education was only given on 15.11.2000, and the respondent no.3 can be said to have withdrawn his resignation by his letter dated 28.9.2000, even taking that the letter dated 17.9.2000 of the respondent no.3 was not received by the petitioner no.1/school, and therefore, withdrawal of resignation by the respondent no.3 before acceptance thereof by the Director of Education shows that the resignation has been validly withdrawn.

4. The relevant observations of the Delhi School Tribunal are contained in paras 5(e) to 5(m), and which paras read as under:-

“5(e). The case of the Appellant is that since he was demanding proper pay scale and protesting for the same, so Management started harassing him on one pretext or the other. On 11.9.2000 a memo dated 9.9.2000 was given to him directing him to submit his explanation. Later on Appellant was called in the Chamber of the Principal where he was humiliated and forced to sign a resignation letter by Manager/Principal and other lady staff members. He lodged a police report and wrote to his Association on 12.9.2000 and he withdrew his resignation on 17.9.2000. Later on, he wrote to the Director of Education on 19.9.2000 and also served a demand notice on 28.9.2000. on the other hand, contention of the Management is that in July 2000, certain shocking incident came to the knowledge of the Management that Appellant was misbehaving with minor girls of the school and it was a case of outraging their modesty. Complaints were lodged by the students, their parents and even some lady teacher had complained against the Appellant so a memo dated 9.9.2000 was issued to him to explain his conduct. Instead of replying to the said memo, the Appellant submitted his resignation as he was greatly ashamed of his conduct. The said resignation was duly accepted; approval of Director of Education was also accorded vide communication dated 15.11.2000. Thereafter Appellant had filed the present appeal due to his malafide intentions. As per the management, the resignation submitted by the Appellant on 12.9.2000 at 12.10 p.m

was immediately placed before the School Managing Committee which accepted the said resignation subject to approval of the same by Director of Education. on 15.09.2000 the said resignation was forwarded to Director of Education for according his approval and Director of Education had accorded the approval on 15.11.2000. The Management had denied the receipt of any letter dated 17.9.2000. As per the Management, the registered A/D envelope was received on 19.9.2000 but nothing was contained in it. The Appellant was immediately sent a letter by the Management on 20.9.2000 to forward the contents of the said registered envelope. The contention of the Appellant is that although he had received the said registered A/D but nothing was contained in the said registered A/D envelope.

f. The point to be decided here is that which is to be treated as the date of acceptance of resignation i.e. whether it is 12.9.2000 or 15.11.2000. As pr the Appellant he was forced to resign on 12.9.2000. As per the Management, the Appellant of his own had submitted his resignation on 12.9.2000 which was duly accepted by the Managing Committee on the same day. Rule 114 A of the Delhi School Education Rules, 1973 deals with the resignation, which is reproduced hereunder:-

***“Rule 114A. Resignation-** The Resignation submitted by an employee of a recognized private school shall be accepted within a period of thirty days from the date of the receipt of the resignation by the managing committee with the approval of the Director:*

Provided that if no approval is received within 30 days, then such approval would be deemed to have been received after the expiry of the said period.”

g. The abovementioned Rule provides that resignation is to be accepted within a period of 30 days from the date of receipt of resignation by the Managing Committee with the approval of the Director. Whether approval of Director is a condition precedent to the acceptance of the resignation by the Managing Committee or the same can be obtained post facto? If the resignation is to be only accepted by the Managing Committee, then the records filed by the respondent school shows that the said resignation was accepted on 12.9.2000 itself. The receipt of non-receipt of the withdrawal letter dated 17.9.2000 is in doubt as the Appellant had stated that he had sent the said letter to the respondent school through registered A/D but as per the Management only a blank envelope was received and this fact was immediately informed to the appellant. Thereafter the Appellant had sent a detailed representation to the Director of Education which was received in his office on 19.9.2000. In the said representation the Appellant had mentioned in para 9 on page 3 that he had withdrawn his forcibly taken resignation but the Management had not allowed him to join the duty.

Similarly the Appellant had sent a detailed demand notice to the respondent school through registered A/D and UPC on 28.9.2000. A/D card shows that the same was received by the addressee school on 3.10.2000. It was also mentioned in the said letter on page 2 in para 6 that the Appellant had withdrawn his resignation letter and in the last para it has been prayed that he be taken back on duty.

h. There is no express denial of the receipt of this demand notice dated 28.9.2000 sent by the Appellant to the respondent-school. The Director of Education has also kept mum regarding the receipt of representation dated 19.9.2000. There is nothing on record to show that the respondent school had forwarded the demand notice of the Appellant dated 28.9.2000 to the Director of Education. The approval letter dated 15.11.2000 filed by the respondent school shows the notings and last notings approved by the Directorate of Education dated 10.11.2000 states that it was a case of deemed approval under proviso to Rule 114(A). The said rule has been reproduced above and proviso thereto makes it clear that if no approval is received within 30 days, then such approval would be deemed to have been received after expiry of said period. This file was put up by the Education Officer before the Deputy Director of Education who forwarded the proposal on 3.10.2000. It is clear that the representation of the Appellant dated 19.9.2000 addressed to the Director of Education was already available with the Director of Education when the proposal was received from the concerned Deputy Director of Education after his forwarding note dated 3.10.2000. Nothing is mentioned in the said order as to whether the said representation was put up before the Director of Education when the approval was granted. As mentioned earlier, even the respondent school has not filed any document to show that the demand notice dated 28.9.2000 sent by the Appellant mentioning that he had withdrawn his resignation was forwarded to the Director of Education for being considered at the time of applying his mind as to whether to grant the approval or not.

i. Procedure to be adopted for acceptance of resignation of an employee has been made clear by the Directorate of Education vide its directions No.5605-6800 dated 11.7.96. The said direction is reproduced hereunder:-

“The whole process is required to be completed within a statutory period of 30 days. It is also added here that the concerned employee has a right to revoke his or her resignation any time before the approval of the Director of Education is conveyed to the employee within 30 days.”

j. The said directions were issued in view of judgment of a Division bench of Hon’ble High Court of Delhi in the matter of “Urmila Sharma Vs. Director of Education” 1996 LLR 769 where the Hon’ble

High Court was pleased to hold that the resignation would **become effective only on its acceptance by the Competent Authority and not before that. It is a well settled proposition of law that resignation, before its become effective can be withdrawn. Direction reproduced above makes it clear that concerned employee has a right to revoke his or her resignation any time before the approval of the Directorate of Education is conveyed to the employee within 30 days.**

k. In the present case, the approval was conveyed on 15.11.2000 and Appellant had withdrawn his resignation much before that. Even if it is presumed that no such letter was sent to the Management in the envelope received by it on 19.9.2000 but there is no denial of the receipt of the representation in the office of the Director of Education on 19.9.2000 and receipt of demand letter dated 28.9.2000 by School Management. These two annexures mentioning that resignation stood withdrawn were served within 30 days of the submission of the resignation. Hence the Appellant had exercised his right to withdraw his resignation dated 12.9.2000 within the prescribed time.

l. As far as memo dated 9.9.2000 is concerned; as per the Appellant he had already submitted his explanation on 12.9.2000. A copy of the same has been filed on record. In the said explanation the Appellant had denied all the charges and had welcomed issuance of chargesheet as it would give him a full and better opportunity to present his defence against the charges. Even otherwise, the respondents school has a right to conduct an enquiry into the allegations leveled against.

m. In view of the above, as the Appellant had withdrawn his resignation before approval/deemed approval by the Directorate of Education, he is directed to be reinstated w.e.f. 12.9.2000. The question of wages, scale and other consequential benefits for the period after 12.9.2000 be considered by the Managing Committee as per Rule 121 of Delhi School Education Act 1973 within one month from today. The appeal is accordingly allowed. The appellant be allowed to join his duty w.e.f. 20.9.2008. No order as to costs. File be consigned to Record Room." (emphasis added)

5. It is seen in the facts of the present case that the resignation of the respondent no.3 dated 12.9.2000 was accepted by the Managing Committee of the petitioner no.1/school on 12.9.2000 itself. Approval of the resignation thereafter by the Director of

Education no doubt has to be within 30 days, but that is an *ex post facto* act to the factum of finality of resignation which already stands concluded on acceptance of the resignation by the Managing Committee of the petitioner no.1/school on 12.9.2000. Rule 114A read with Rule 96(9) of the Delhi School Education Rules, 1973 does provide for the differences between the date of finalization of the resignation and the prospective date of leaving of the school. The prospective date can be 30 days after leaving the school or 90 days after termination of the services of the employee as per Rule 96(9) of the Delhi School Education Rules. Some of the relevant aspects of this case have been considered by me in a recent judgment dated 11.1.2017 in W.P. (C) No.20218-19/2004 titled as *The Managing Committee of Rani Dutta Arya Vidyalaya and Anr. Vs. The Director of Education, Govt. of National Capital Territory of Delhi and Ors.*, wherein I have held that resignation cannot be withdrawn after the same is accepted. The relevant paras of this judgment read as under:-

“3. The issue of resignation of an employee of a school is governed by Rule 114A of the Delhi School Education Rules, 1973, and this Rule 114A reads as under:-

“**114A. Resignation-** The resignation submitted by an employee of a recognised private school shall be accepted within a period of thirty days from the date of the receipt of the resignation by the managing committee with the approval of the Director:

Provided that if no approval is received within 30 days, then such approval would be deemed to have been received after the expiry of the said period.”

4. Besides the aforesaid Rule 114A, Rule 96(9) of the Delhi School Education Rules would also be relevant because the said provision talks of relieving of the teacher after acceptance of resignation only after a period of three months. This Rule 96(9) reads as under:-

“Rule 96. Recruitment-

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(9) No managing committee shall entertain any application for employment from a person who is already serving as teacher in a recognised school, whether aided or not, unless the application from such person is duly forwarded by the manager of the school in which such applicant is serving:

Provided that every application from such person shall be forwarded by the manager, but any application in excess of three in a year shall not be forwarded unless the managing committee, for reasons to be recorded by it in writing, so directs:

Provided further that no such teacher shall be relieved of his duties except after the expiry of a period of:

- (i) three months, in the case of a permanent teacher, from the date on which notice of intimation to leave the school is given; and
- (ii) one month, in the case of a teacher who is not permanent, from the date on which notice of intimation to leave the school is given:

Provided also where the managing committee is in a position to provide for a substitute for such teacher earlier than the respective period specified in the foregoing proviso, the managing committee may relieve the teacher of his duties on the expiry of such earlier period.”

5. On a plain reading of the language of Rule 114A of the Delhi School Education Rules one is left with no manner of doubt that the object of Rule 114A when it provides the period of 30 days for finalization of resignation the same is for the benefit of the employee i.e the employee is not forced to work beyond a period of 90 days from the date of submitting the letter of resignation. Rule 114A uses the expression “shall be accepted” i.e there is no option for a school not to accept the letter of resignation. The expression “within a period of 30 days from the date of receipt of resignation” does not in any manner cut down the strength of the expression “shall be accepted”. The reason for the resignation given by an employee of a school shall be compulsorily accepted becomes clear even from the Proviso of Rule 114A which provides that if the Director of Education does not give approval to the resignation within 30 days, there is deemed approval of the resignation.

The reason for such language of Rule 114A of mandatory acceptance of the resignation of the employee, taking that there is no dispute that an employee has in fact resigned, is for the reason that there cannot be forced labour i.e no one can be forced to work in an institution where he does not want to work because such an employee wants to resign from services. The issue of resignation is different from the issue of an employee seeking voluntary retirement, because, on account of voluntary retirement of an employee various monetary benefits would flow from services rendered till voluntary retirement, however the effect of resignation is that the entire service record of the employee is wiped out and such an employee receives much lesser monetary benefits as compared to an employee who is allowed a voluntary retirement. The spirit of why the requirement of acceptance of resignation is mandatory i.e a school is not entitled to force an employee to work with the school, is also found in Section 14(1)(b) and (d) of the Specific Relief Act, 1963. Therefore, there is no manner of doubt that resignation of an employee of a school either takes place within 30 days of the employee submitting resignation by its acceptance by the Managing Committee of the school with the approval of the Director of Education or in any case if there is no refusal of acceptance of resignation by the Director of Education within 30 days, resignation then is final on the expiry of the period of 30 days.

6. An issue which also comes to mind is that suppose an employee of a school wants to resign, the question is, can the Director of Education force him not to resign inasmuch as Rule 114A requires approval of the Director of Education for resignation. Ordinarily I do not think so. As already stated above, a contract of personal service cannot be specifically enforced as that would amount to effectively compulsorily seek performance of service, and which is not possible under law. Therefore, when the provision of Rule 114A requires approval of the Director of Education, obviously such an issue of declining of approval ordinarily only comes in if there is a doubt with respect to whether or not the resignation of an employee is or is not genuine because there may be cases in which it may be found that the resignation may be forced upon an employee. Save apart the issue with respect to any issue of resignation not being a voluntary resignation, there would be only a rare case where a Director of Education would possibly be entitled to refuse the resignation given by an employee from a school. Though we cannot visualize all cases where the Director of Education can refuse approval, ordinarily in view of the contract of service being a contract of personal service by an employee, with the aspect of entitlement of a person not to work for an organization, the Director of Education is thus ordinarily bound to give approval to the resignation of an employee from the school.

7. There is also another aspect which is to be noted and which arises from a conjoint reading of Rules 114A and Rule 96(9) of the Delhi

School Education Rules, and which is that resignation becomes effective from the date of acceptance of the resignation or at the maximum on the 30th day of submitting the letter of resignation, but, the actual relieving of duty after acceptance of resignation is and can be from a prospective date and which in the view of Rule 96(9) at the very maximum can be three months from the date from which the employee gives his resignation to the school. Of course, the issue of three months notice period is for the benefit of the school and not for the employee because the object of the relieving period of three months is for the school to ensure that a substitute employee is available and the working of the school is not prejudicially affected. This aspect I have had an occasion to discuss and decide in the case of *Smt. Lavika Jain Vs. The Principal, Delhi Public School & Ors. 205 (2013) DLT 306* and the relevant paras of which judgment read as under:-

5. Whereas the petitioner contends that every teacher on giving notice of intimation to leave the school is entitled to three months' pay in terms of second proviso to Rule 96(9), the respondent-school relies upon the third proviso to state that if a substitute can be provided earlier than the period specified in the second proviso of three months, managing committee is entitled to relieve the teacher before the expiry of three months.

6. At the outset, I may state that there is no provision in the Rules except Rule 96(9) and as per which a permanent employee like the petitioner can seek three months salary after giving a notice of resignation. Resignation of an employee is in terms of Rule 114A of the Rules and as per which all that is required is that the managing committee must accept the resignation within 30 days. There is no issue in this case of the managing committee not having accepted the resignation within 30 days. What is argued before me on behalf of the petitioner is that even after acceptance of resignation, yet, the leaving employee will be entitled to work and get salary of three months in terms of second proviso to Rule 96(9).

7. In my opinion, the arguments which are urged on behalf of the petitioner by placing reliance upon the second proviso to Rule 96(9) are misconceived inasmuch as the second proviso to Rule 96(9) is not made for the benefit of the teacher but for the benefit of the school. This becomes clear from the third proviso which states that before expiry of the three months period if a school is able to provide a substitute for teacher who resigns, then, managing committee can relieve the teacher from his earlier duties. The earlier period means that period which commences when the substitute teacher would be available to the school. The object of law and which become clear on reading of second and third provisos together of Rule 96(9) is that the

studies of the children in the school should not be affected by a teacher suddenly leaving the school. The period of three months is provided so that the school may get a substitute teacher. The expression 'substitute teacher' does not mean that there has to be necessarily a fresh appointment inasmuch as the school may have sufficient number of teachers to take the classes of that teacher who resigned from the school. If within the three months as provided under the first proviso to Rule 96(9) a substitute teacher is available then surely the school will be entitled to accept the resignation of an employee even before the three month period, and consequently bring an end to the services of such resigning teacher even prior to three months period.

8. Since in the present case respondent-school has stated that duties of the petitioner were given to Ms. Vandana Goswami after reopening of the summer vacation of the school, the school remaining closed from 16.5.2009 to 7.7.2009, in my opinion, it is not open to the petitioner to contend that petitioner was entitled to work and take salary for the period of three months under the second proviso to Rule 96(9) of the Rules. As already stated above, a combined reading of second and third provisos show that period of three months is for the benefit of the school and not for the teacher who is leaving the services of the school.”

8. The difference between the final date of the acceptance of resignation and the fact that there may be relieving from a prospective future date is also duly clarified by the Supreme Court by making such observations with respect to the distinction between the date of acceptance of resignation and the future/subsequent date of relieving, in the judgment in the case of *Modern School. Vs. Shashi Pal Sharma & Others (2007) 8 SCC 540* and the relevant para 17 of which judgment reads as under:-

“17. Once the resignation of the first respondent had validly been accepted, the question which would arise for consideration is as to whether the same could be done before 17-06-1997. It is not a case where acceptance of the resignation was made effective from a future date. Resignation of the first respondent having been accepted, only he was to be relieved from 17-06-1997. We have noticed hereinbefore the purport of Rule 114-A of the Rules, in terms whereof resignation was to be accepted within a period of 30 days. In view of the aforementioned statutory provision, in our opinion, only because the first respondent was to be relieved with effect from 17-06-1997 the same would not mean that even thereafter it was open to the first respondent to withdraw his resignation. In fact, if the aforementioned letter dated 18-03-1997 is excluded from consideration, he had not withdrawn his resignation at all”

12. From a list of dates which is reproduced above, it is seen that respondent no. 3 did in fact give his hand written letter to the petitioner-school tendering his resignation, and which is not even disputed by respondent no. 3 that this letter was indeed given by the respondent no. 3. Respondent no. 3 however only much subsequently on 7.7.2003 for the first time by his letter to the petitioner-school, with a copy to the Director of Education, contended that resignation was given under mental pressure and this resignation be withdrawn. This letter dated 7.7.2003 is given approximately after a period of 115 days from giving of the letter of resignation dated 15.3.2003 and well after 29.3.2003 when the Managing Committee had accepted the resignation. In other words the withdrawal of resignation by the respondent no.3 is neither within 30 days of giving of his resignation on 15.3.2003, nor within 30 days of the petitioner-school writing its letter dated 8.5.2003 to the Director of Education mentioning the factum of resignation of the respondent no.3 from the petitioner-school. Also, it is not disputed that the petitioner-school indeed has passed a resolution on 29.3.2003 accepting the resignation of the respondent no.3 from the petitioner-school and which resolution dated 29.3.2003 along with the subsequent office note of the Principal dated 2.4.2003 has already been reproduced above and in fact is duly referred to by the petitioner-school in its letter dated 8.5.2003 to the Director of Education.

13.(i) Therefore, since the withdrawal of resignation by respondent no.3 by his letter dated 7.7.2003 is neither within 30 days of submitting the letter of resignation dated 15.3.2003, nor within 30 days of the letter dated 8.5.2003 of the petitioner-school to the Director of Education, and is in fact after the acceptance of resignation by the Managing Committee of the school on 29.3.2003, therefore, there does not arise any issue in the present case of a legal entitlement remaining in the respondent no.3 to withdraw the resignation by his letter dated 7.7.2003 because there is no legal entitlement to withdraw from resignation after the period of 30 days under Rule 114A, or after 30 days of the letter dated 8.5.2003 sent by the petitioner-school to the Director of Education mentioning the factum of resignation or after the resolution dated 29.3.2003 of the Managing Committee of the petitioner-school accepting the resignation of the respondent no.3." (emphasis added)

6. Applying the ratio of the judgment in the case of *Rani Dutta Arya Vidyalaya (supra)*, it is seen that since resignation of the

respondent no.3 was accepted on 12.9.2000 itself, and once that is so then there does not arise the issue of any subsequent withdrawal of resignation by the respondent no.3 whether by his letters dated 17.9.2000 and 19.9.2000 or the subsequent letter dated 28.9.2000 in view of the language of Rule 114A. Once resignation is accepted by the Managing Committee of a school then the approval required of the Director of Education is an *ex post facto* aspect so as to ensure that resignation should be taken as accepted by the school, but that does not mean that the finalization of the resignation does not take place on the resignation of the employee being accepted by the Managing Committee of the school. The subsequent approval given by the Director of Education to the resignation of an employee results in approval relating back to the date of acceptance of the resignation by the Managing Committee of the school. The expression 'approval' under Rule 114A is not for the purpose of delaying the finality of resignation accepted by the Managing Committee to the date of approval of Director of Education but is only for giving finality to the resignation and which resignation is final from the date of acceptance of resignation by the Managing Committee. Like there is difference between acceptance of resignation and a prospective date of relieving, similarly a prospective acceptance of resignation by the Director of

Education only is for taking the resignation as final from the earlier date of resignation by the Managing Committee of the school.

7. In view of the above, this writ petition is allowed. Impugned judgment of the Delhi School Tribunal dated 26.8.2008 is set aside by holding that in view of the specific language of Rule 114A the respondent no.3's resignation dated 12.9.2000 became final on being accepted by the Managing Committee on 12.9.2000 itself, and the respondent no.3 thereafter could not have withdrawn his resignation by his letters dated 17.9.2000 (which was in fact a blank document sent under envelope to the petitioner no.1/school), 19.9.2000 and 28.9.2000, as these letters are after the acceptance of the resignation of the respondent no.3 by the petitioner no.1/school on 12.9.2000. Also, I do not find that there could have been any reason for denial of the approval of resignation by the Director of Education because in fact after duly considering the stand of the respondent no.3 of alleged forcible resignation, the Director of Education has given approval for acceptance of the resignation on account of there existing serious issues of respondent no.3 outraging the modesty of minor girls studying in the petitioner no.1/school as also misbehaving with the lady teachers in the petitioner no.1/school and which approval of

Director of Education will relate back to 12.9.2000 when the resignation was accepted by the Managing Committee of the petitioner no.1/school.

8. Writ petition is therefore allowed as stated above, leaving the parties to bear their own costs.

JANUARY 27, 2017
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VALMIKI J. MEHTA, J

