

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

+ **W.P.(C) No.7940/2008**

% **31st January, 2017**

UNITED CHRISTIAN SENIOR SECONDARY SCHOOL & ANR.

..... Petitioners

Through: Mr. Romy Chacko, Advocate
with Mr. Varun Mudgal,
Advocate.

versus

DIRECTOR OF EDUCATION AND ANR. Respondents

Through: Mr. Peeyoosh Kalra, ASC with
Ms. Sona Babbar, Advocate.

**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 no.1/school impugns the order of the Director of Education dated 12.5.2008 whereby the Director of Education has refused to grant approval to the appointment of the petitioner no.2/Mr. Darwin Pershad as the Principal of the petitioner no.1/school.

2. The issue is no longer *res integra* and is covered by the two Division Bench judgments of this Court in the cases of *St. Anthony's Girls Sen. Sec. School and Ors. Vs. The Govt. of N.C.T. of*

Delhi and Ors. 2008 (106) DRJ 935 and *Queen Mary's School Thru Its Principal Vs. U.O.I. 185 (2011) DLT 168* and which lay down the ratio that so far as a minority school is concerned, the right of the Director of Education is at best to lay down the standards/qualifying criteria, but thereafter it is the absolute privilege of the minority school to decide who should be appointed as the Principal of the school. It is not disputed before me on behalf of the Director of Education that there is no issue with respect to the petitioner no.2 failing to meet the qualifying criteria for being appointed as a Principal of the petitioner no.1/school. Once that is so, the ratios of the two Division Bench judgments of this Court in the cases of *St. Anthony's Girls Sen. Sec. School (supra)* and *Queen Mary's School (supra)* will become applicable and hence the respondent no.1/Director of Education had no right to reject the appointment of the petitioner no.2 as the Principal of the petitioner no.1/school.

3. In view of the above, writ petition is allowed. Communication of the Director of Education dated 12.5.2008 will be quashed and the petitioner no.2 will stand as affirmed to the post of Principal of the petitioner no.1/school as per the DPC of the petitioner no.1/school dated 24.4.2008.

4. Writ petition is accordingly allowed and disposed of in terms of aforesaid observations, leaving the parties to bear their own costs.

JANUARY 31, 2017
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VALMIKI J. MEHTA, J

