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

+ W.P.(C) 4248/2015

KRISHNA JAS ROY EDUCATIONAL SOCIETY AND ANR.

..... Petitioners

Through: Mr. Saqib, Advocate.

versus

GNCTD AND ANR.

..... Respondents

Through: Ms. Sana Ansari, Advocate.
Mr. A.P. Singh, DEO, Zone-7.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **21.02.2017**

1. In this writ petition, the following reliefs are prayed:-

“A. Issue appropriate writ, order or directions thereby calling for the records of the case;

B. issue an appropriate writ, order or direction in the nature of *continuing mandamus* thereby directing the respondent no.2 not to interfere in the functioning of the petitioner no.2 school in the manner prejudicial to the provisions of the RTE Act and to act in accordance with the statutory provisions of the Delhi School Education Act, 1973 as amended and rules made thereunder;

C. issue appropriate writ, order or directions in the nature of *certiorari* thereby quashing/setting aside the Show Cause Notice dt. 13.05.2014 and letter dt. 25.07.2014(“*impugned orders*”) thereby declaring them as null and void;

C. issue appropriate writ, order or direction in the nature of *mandamus* thereby directing the respondent no.2 to give necessary clearance for appointment of teachers and other staff in the petitioner no.2 with immediate effect;

D. issue appropriate writ, order or direction to the Respondent No.2 to release the salary of employees of the petitioner no.2 school and thereafter permit the Petitioners to admit students for all the classes of the school;

E. pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case in the interest of justice in favour of the petitioners.”

2. The main relief is relief C with respect to setting aside of show cause notice dated 13.5.2014 issued by the Director of Education (DOE). As per this show cause notice dated 13.5.2014, information has been sought from the petitioners as petitioners are said to have not supplied the information and hence DOE observed that otherwise necessary action will be initiated under the relevant provisions of Delhi School Education Rules, 1973.

3. The other reliefs A, B, C (repeated) and D can only be granted if show cause notice dated 13.5.2014 is disposed of, and since this show cause notice is presumably not disposed of as yet, therefore, it would be necessary that the DOE after hearing the petitioners will pass

a detailed speaking order on the show cause notice dated 13.5.2014, if not already passed. Needful be done within a period of two months from today. If the order has already been passed, then the same will be communicated to the petitioners within two weeks from today.

4. This writ petition is accordingly disposed of directing the DOE to take decision on the show cause notice dated 13.5.2014 after giving hearing to the petitioners. Liberty is also granted to the petitioners to challenge the order of the DOE if the same is against the petitioners. Parties are left to bear their own costs.

VALMIKI J. MEHTA, J

FEBRUARY 21, 2017

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