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

+ **W.P.(C) 5559/2017**

**RANJU SHARMA**

..... Petitioner

Through: **Dr. M.Y. Khan, Adv.**

versus

**DIRECTORATE OF EDUCATION & ORS.**

..... Respondents

Through: **Mr. Santosh Kr. Tripathi, ASC with  
Mr. Rizwan, Adv. for R1.**

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

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**07.07.2017**

1. The present petition has been filed with the following prayers:-

*“In view of the aforesaid facts and circumstances of the case it is most humbly and respectfully prayed that the Hon’ble Court may very graciously be pleased to:-*

- i) *Issue a writ of Mandamus or any other appropriate writ, order or directions of like nature to direct the respondents No.2 to 4, to implement the impugned order dated 08.03.2017, passed in the Appeal No.12 of 2013.*
- ii) *Issue a writ of Mandamus or any other appropriate writ, order or directions of like nature to direct the respondents to constitute the Managing Committee as per Rule 59 of DSER, 1973, and determine the back wages of the petitioner. The respondent no.1 may kindly be directed to examine the compliance of the impugned order / s and salary and amount has to be paid to the petitioner, as per the impugned order dated 08.03.2017, and respondent should submit the compliance report of the same to the Hon’ble court.*
- iii) *pass any other or further order or directions as this Hon’ble Court may deems fit and proper under the facts and circumstances of the*

*case.”*

2. In substance, the petitioner is seeking implementation of order dated March 08, 2017 passed by the Delhi School Tribunal. Suffice to state, in terms of the provisions of the Delhi School Education Act and the Rules, 1973 vide Section 27, which is reproduced as under, the remedy for the petitioner lies with the Tribunal. The petition in the manner filed is not maintainable and this Court would not like to entertain the same. The same is dismissed.

*27. Liability of manager to punishment.—If the manager of any recognised private school.— (a) omits or fails, without any reasonable excuse, to carry out any orders made by the Tribunal, or (b) presents any student for any public examination without complying with the provisions of section 19, or (c) omits or fails to deliver any school property to the Administrator or any officer authorised by him under sub-section (2) of section 20, he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.”*

3. The petitioner is at liberty to approach the Delhi School Tribunal under Section 27 of the Delhi School Education Act and the Rules, 1973. I also note, identical issue came up for consideration before this Court in W.P.(C) No. 5068/2017, which was disposed of on May 31, 2017 whereby the petitioner therein was also granted liberty to approach the Tribunal. I do not see any reason to take a different view.

**V. KAMESWAR RAO, J**

**JULY 07, 2017/jg**