

\$~16

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

+ **W.P.(C) 5068/2017**

RAJNI MAIDIRATTA Petitioner
Through: **Dr. M.Y. Khan, Adv.**

versus

DIRECTORATE OF EDUCATION & ORS. Respondents
Through: **Mr. Akshay Chaudhary, Arun Kumar
Panwar and Ms. Aayushi Gupta,
Advs. for Mr. Raman Duggal,
Standing Counsel (Civil), GNCTD /
R1.**

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **31.05.2017**

The present petition has been filed by the petitioner with the following prayers:

“In view of the aforesaid fact 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. 29 of 2015.*
- (ii) Issue a writ of Mandamus or any other appropriate writ, order or directions of like nature to direct the respondents No.1 to examine the compliance of the impugned order / s and salary and amount has been 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 deem fit and proper under the facts and circumstances of the case.

Suffice to state the petitioner is seeking implementation of the order of the Delhi School Tribunal dated 8th March, 2017. The provisions of the Delhi School Education Act and Rules, 1973 vide Section 27 are very clear. The same are reproduced as under:

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.”

The reading of the same reveals that on failure of the School to carry out the orders, the Tribunal is within its power to punish the Manager, who is responsible for the implementation of the order.

I do not see any reason to entertain the petition. Same is dismissed.

The petitioner is at liberty to approach the Delhi School Tribunal under Section 27 of the Delhi School Education Act and Rules, 1973.

V. KAMESWAR RAO, J

MAY 31, 2017/jg