

\$~62

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

LPA 623/2017 & CMs 34400-01/17

S L ARORA

..... Appellant

Through: Mr. Subhash Chaddha, Advocate

versus

THE DIRECTOR, DIRECTORATE OF EDUCATION

....Respondent

Through: Mr. Prabhsahay Kaur, Advocate
for respondents No.1 & 2

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

%

19.09.2017

We notice that all the parties who were initially impleaded in the original writ proceedings have not been impleaded. However, the Court is not constrained in the consideration of the merits of the appeal by its infirmity.

The petitioner is aggrieved by the decision of the learned Single Judge who declined relief to the appellant, who complained of unfair treatment in the manner of consideration and appointment to the post of Principal in the respondent-School. The concerned respondent-School/institution is an aided minority school and has in its defence claimed the right to appoint a candidate of its choice as Principal in accordance with law and relied upon in *In Re. Kerala Education Bill, 1959* 1 SCR 995 and *Ahmedabad St. Xavier's College Society and Another v. State of Gujarat and Another* 1975 SCR (1) 173 and other

subsequent judgments of the Supreme Court as well as that of this Court. The learned Single Judge followed the previous rulings of this Court and upheld the school's contentions.

Given that the school has the autonomy or the "*choice*" of management, which includes one of the core rights to appoint personnel such as the Principal or other managerial posts level employees, the exercise of that choice in the present case could not have been questioned on the ground of fairness or non-consideration of the appellant's candidature. The conclusion of the learned Single Judge is therefore affirmed. The appeal alongwith pending applications is dismissed.

**S. RAVINDRA BHAT
(JUDGE)**

**SUNIL GAUR
(JUDGE)**

SEPTEMBER 19, 2017

s