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

Date of Decision : November 15, 2017

+ **W.P.(C) 6988/2017 & CM No.28994/2017**

RUPA SHARMA Petitioner
Through: Ms.Madhumita Bhattacharjee, Advocate
with Ms.Tuba Mohdi, Advocate

versus

DIRECTORATE OF EDUCATION AND ANR Respondents
Through: Mr.Ramesh Singh, Standing Counsel and
Mr.Sandeepan Pathak, Advocate for R-1
Mr.Joginder Sukhija, Advocate for R-2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
% **(ORAL)**

1. Petitioner, an Assistant Teacher in the Primary Wing of respondent's school was placed under suspension vide order dated 5.5.2016 (*Annexure P-2*) and an inquiry was conducted as per the memorandum of charge of 4.8.2016 (*Annexure P-4*). Learned counsel for respondent-school informs that the inquiry has now concluded and that the inquiry report is placed before the Disciplinary Action Committee which shall soon take action on it. At this stage, petitioner's counsel points out that there is no Disciplinary Action Committee. Be that as it may. Since the inquiry is virtually concluded, therefore, challenge to the initiation of the inquiry is not being gone into this petition.

2. It is left open to petitioner to assail the outcome of the inquiry as per law. So far as petitioner's prolonged suspension is concerned, I find that petitioner had sought revocation of suspension vide representation of 11.5.2017 (*Annexure P-15*) by invoking Rule 115(2) of the Delhi School Education Rules, 1973. It is petitioner's case that no response to the representation (*Annexure P-15*) has been made by the respondent-school. Learned counsel for first respondent submits that the respondent-school vide communications of 10.08.2017 and 24.10.2017 and show cause notice of 30.10.2017 has been called upon to show cause as to why petitioner has been suspended without following proper procedure as per Section 8(4) of Delhi School Education Act and Rules, 1973 and no response to it has been received. Learned counsel for respondent-school submits that he will check up and will ensure that the response to the aforesaid communications of 10.8.2017 and 24.10.2017 and show cause notice of 30.10.2017 is made by the respondent-school within 2 weeks. Let it be so done.

3. Upon receipt of the response from respondent-school, the first respondent shall proceed to decide petitioner's representation of 11.5.2017 (*Annexure P-15*) within 4 weeks and intimate the petitioner about fate of the representation, so that petitioner may avail of the remedies as available in law, if need be.

4. With aforesaid directions, this petition is disposed of.

5. Dasti to both sides.

(SUNIL GAUR)
JUDGE

NOVEMBER 15, 2017/mamta