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

+ W.P.(C) 10398/2017

ALPANAN GAUTAM & ORS. Petitioners

Through: Mr.Vijay Dahiya, Advocate

versus

DIRECTORATE OF EDUCATION & ANR. Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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24.11.2017

Petitioners are staff members/employees of Manender Shakti Vidyalaya, purportedly a recognized aided school by the Directorate of Education and is said to be run by respondent No.2. Mandamus is sought to management of the respondent-school to immediately release its 95% share towards petitioners' salary pending since July, 2017. A direction is also sought to management of the respondent-school to immediately release its 5% share to the reserve fund of the management of the respondent-school to enable petitioners to draw their salary since July, 2017. None appears on behalf of respondent despite service of advance notice.

Learned counsel for petitioners submits that various representations were made from time to time but of no avail and so petitioners were compelled to serve a legal notice of 6th November, 2017 (*Annexure P-4 Colly*) upon management of the respondent –school to deposit its 5%

share in the reserve fund to enable the employees of the respondent-school to draw the salary. Petitioners' counsel claims that the last representation made to first respondent on 4th September, 2017 (*Annexure P-3 Colly*) has not been responded to till date.

In view of the aforesaid, it is deemed appropriate to dispose of this petition with direction that if first respondent has received petitioners' representation of 4th September, 2017 then to consider it within 6 weeks and to also consider petitioners' prayer for taking over the management of respondent No.2-school and the fate of the representation be made known to first petitioner within 2 weeks, so that petitioners may avail of the remedies as available in law, if need be. A direction is also issued to respondent No.2-school to treat the legal notice (*Annexure P-4 Colly*) as representation and to pass a speaking order thereon within 6 weeks and its fate be made known to first petitioner within 2 weeks thereafter so that effective remedies may be availed of by the petitioners.

With the aforesaid directions, this petition is disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

NOVEMBER 24, 2017

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