

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

Date of Order: March 13, 2018

+ **W.P.(C) 2292/2018 & CM 9501/2018**

BALA PRITAM GURU HARKISHAN INTERNATIONAL
PUBLIC SCHOOL

..... Petitioner

Through: Mr. Mukesh Kher and Mr. Priyank
Kher, Advocates

versus

DIRECTOR OF EDUCATION AND ORS.Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel with Mr. N.K. Singh, Advocate for
respondents No.1 & 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Denial of approval by respondent-Director of Education to terminate service of third respondent is under challenge in this petition by petitioner-School. Impugned order of 28th September, 2017 (*Annexure P-1*) is to the effect that the approval to major penalty of termination of service inflicted upon third respondent is not accorded by respondent-Director of Education as the charges levelled against third respondent do not hold ground and are devoid of merit. Impugned order was conveyed to petitioner on 6th November, 2017.

2. To assail impugned order, learned counsel for petitioner draws attention of this Court to the proceedings of the Disciplinary Committee

of 19th April, 2016 (*Annexure P-9*) to submit that a full-fledged inquiry was conducted against third respondent and on the basis of evidence led, it was concluded that the misconduct of third respondent deserves major penalty of termination of service and the major penalty was approved by the Disciplinary Committee, which comprised of Director's nominee as well. It is submitted that impugned order does not disclose as to on what basis, it is said that the charges levelled against the said officer do not hold any ground.

3. Upon hearing and on perusal of impugned order (*Annexure P-1*), Disciplinary Committee's Report (*Annexure P-9*) and the material on record, I find that before impugned order (*Annexure P-1*) is given effect to, the reasons for arriving at the conclusion as indicated in the impugned order are required to be spelt out by Director of Education, within a period of four weeks and its intimation is required to be given to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law against the impugned order.

4. With aforesaid directions, this petition and the application are disposed of.

5. Copy of this order be given *dasti* to learned counsel for the parties.

(SUNIL GAUR)
JUDGE

MARCH 13, 2018

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