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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 362/2018 and CM Nos. 26967-68/2018

NUPUR MAHAJAN

..... Appellant

Through: Ms Shobha, Mr Atul Jain and Mr Jatin Goel,
Advs

versus

LAXMI PUBLIC SCHOOL & ORS

..... Respondents

Through: Mr Pramod Gupta, Ms Mudita Sharda, Ms
Manogya Singh and Mr Mahesh Saroj, Advs
for R-1&2
Mr Devesh Dubey and Mr Zahid Hanief,
Adv for Mr Naushad Ahmad Khan, ASC for
DOE

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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24.07.2018

Challenge in this appeal is to the order dated 24.04.2018 passed by learned Single Judge of this Court. Mr Pramod Gupta, learned counsel, enters appearance on behalf of the respondent Nos. 1 & 2.

Two orders passed by the respondent/school dated 31.03.2016 and 01.04.2016 had forced the appellant herein to approach the Delhi School Tribunal. Upon hearing the parties, the Delhi School Tribunal set aside the two orders by which the appellant herein had been relieved from the post of Vice-Principal while protecting her salary and promoting her to the post of PGT (English) by which she was asked to continue to work as PGT (English). It is the case of the appellant that this, in fact, amounts to her demotion, as the PGT is the feeder post for the post of Vice-Principal.

Per contra, it is the case of the respondent that the post for Vice-Principal has been abolished and even otherwise her appointment as Vice-Principal was per se illegal and consequently, she has been asked to continue to work as PGT (English) and the appellant has, in no way, been demoted.

The order passed by the School-Tribunal was assailed by the respondent by filing a writ petition which led to the passing of the impugned order dated

24.04.2018 by which the order of the School-Tribunal was set aside.

Learned counsel for the appellant submits that the appellant had appeared before the learned Single Judge upon a caveat having been filed and an advance copy having been served. Her grievance is that no formal show cause notice was issued nor an opportunity was granted for filing a reply. The matter was heard on two dates and the judgement was rendered. Ms Shobha submits that the question of demotion was not duly considered by the learned Single Judge, however, the learned Single Judge was impressed by the submissions made by the learned counsel for the respondent that the appointment of the appellant was per se bad in law, losing sight of the fact that the appellant was demoted and no show cause notice was given nor opportunity for hearing was granted.

After some hearing in the matter, it is agreed that the impugned order passed by the learned Single Judge be set aside. The appellant herein, the respondent before the learned Single Judge, shall file her counter affidavit on or before 06.08.2018. Rejoinder be filed on or before 13.08.2018. The matter would be listed before the learned Single Judge on 21.08.2018. The learned Single Judge would decide the matter unaffected by any observations made by this Court while disposing of this appeal. Parties agree not to seek any adjournment before the learned Single Judge and cooperate for early hearing of the matter.

Accordingly, the appeal and all pending applications are disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 24, 2018
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