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

% *Date of Order : February 22, 2018*

+ **W.P.(C) 9272/2016**

**ANIL KUMAR SHARMA & OTHER EMPLOYEES AND
GUARDIAN OF STUDENTS OF BAL VIKAS SCHOOL**

..... Petitioners

Through: Mr. Amresh Anand, Advocate

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Amrit Pal Singh, Advocate for
R-1

Mr.Aman Panwar, Mr. Mudit Gupta
and Mr.Sangam Kumar, Advocates
for R-2 & 3

Mr.Santosh Kumar Tripathi,
Advocate for R-4

Mr.Kamal Kant Jha, Advocate for
R-5

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. In this petition, petitioners are vaguely described as Anil Kumar Sharma and other employees and guardian of students of respondent-school. Anil Kumar Sharma is said to be Vice-Principal of the respondent-school, who was dismissed on 13th February, 2012. Learned counsel for petitioners submits that Delhi School Tribunal has directed reinstatement of Anil Kumar Sharma and others. To submit so, attention of this Court is drawn to order of 10th July, 2015 (*Annexure P-13*) passed by Delhi School Tribunal.

To assert locus to maintain this petition against de-recognition of respondent-school, petitioners' counsel places reliance upon a decision of coordinate Bench of this Court in *Surajit Nundy and Ors. Vs. Management of Mirambika Free Progress School and Ors.* 2016 SCC OnLine Del 3782. Learned counsel for petitioners submits that an application (*Annexure P-22 to the amended plaint*) to take over the Management of respondent-school, has been filed before the Lt. Governor and Chief Minister of Delhi but no response has been received.

2. Learned counsel for petitioners submits that to set at naught the reinstatement order of the staff of respondent-school, de-recognition of the school has been obtained in connivance with the respondent-*Directorate of Education*. It is submitted that without issuing any show cause notice to the respondent-school, it has been de-recognized which is contrary to the provisions of *Delhi School Education Act & Rules, 1973*. Attention of this Court is drawn to Rule 57 of the *Delhi School Education Rules, 1973* to submit that restoration of recognition ought to be granted to as it is the question of livelihood of teaching and non-teaching staff of the respondent-school. Thus, it is submitted that impugned de-recognition order needs to be quashed.

3. The opposition of this petition by learned counsel for respondents is on the ground that there are reckless and irresponsible averments made in this petition, not only against respondent-school but also against the Directorate of Education as well as Lt.Governor of Delhi and this scandalous petition needs to be outrightly dismissed. It is pointed out that the so-called Representation (*Annexure P-22*) is undated. It is also pointed out that there is no proof of submission of the Representation (*Annexure P-*

22).

4. In rebuttal, learned counsel for petitioners, on instructions, submits that this petition is not pressed and a prayer is made that petitioners' Representation (*Annexure P-22*) to take over the Management of the respondent-school needs to be objectively considered by the Lt. Governor of Delhi.

5. In the facts and circumstances of this case, this petition is disposed of as not pressed with permission to petitioners to file a composite and concise Representation to the Lt. Governor of Delhi to consider taking over of Management of the respondent-school in terms of Section 20 of the *Delhi School Education Act & Rules 1973*. Learned counsel for petitioners submits that a composite Representation would be made to the Lt. Governor of Delhi within a period of four weeks by petitioner-Amit Kumar Sharma on behalf of all petitioners. If any such Representation is received by the Lt. Governor of Delhi, then it be considered in terms of Section 20 of the *Delhi School Education Act & Rules, 1973* within a period of twelve weeks and fate of Representation be conveyed to petitioner-Anil Kumar Sharma within two weeks thereafter.

(SUNIL GAUR)
JUDGE

FEBRUARY 22, 2018
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