

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

Date of Order: January 12, 2018

+ **W.P.(C) 274/2018 & CM 1109/2018**
+ **W.P.(C) 277/2018 & CM 1144/2018**
+ **W.P.(C) 278/2018 & CM 1145/2018**
+ **W.P.(C) 279/2018 & CM 1146/2018**
+ **W.P.(C) 280/2018 & CM 1147/2018**
+ **W.P.(C) 289/2018 & CM 1201/2018**
+ **W.P.(C) 291/2018 & CM 1215/2018**
+ **W.P.(C) 293/2018 & CM 1218/2018**
+ **W.P.(C) 337/2018 & CM 1406/2018**
+ **W.P.(C) 338/2018 & CM 1407/2018**
+ **W.P.(C) 339/2018 & CM 1408/2018**
+ **W.P.(C) 343/2018 & CM 1410/2018**

RIVA SINGH
VEERENDRA KUMAR
SHASHI RAWAT
JONIKA
SADAKAT ALI
LEENA BHATACHARYA
AMIYA BALA MOHAPATRA
ANJU VERMA
PRAKASH DAGAR
USHA RAWAT
KRISHNA
DAYA WATI

.....Petitioners

Through: Mr. Rajesh Goswami and Ms.
Anita Goswami, Advocates

versus

SCHOOL MANAGEMENT OF RING MIDWAYS SENIOR
SECONDARY PUBLIC SCHOOL & ORS.Respondents

Through: Mr. Naushad Ahmad Khan, ASC
and Mr. Rizwan, Advocate for respondent-
GNCTD (in I-28, 29 & 35)

Ms. Jyoti Taneja, Advocate for respondent-
GNCTD (in I-30)
Mr. Shadan Farasat and Mr. Ahmed Said,
Advocates for respondent-DOE (in I-31)
Mr. Varun Nischal, Advocate for respondent-
DOE (in I-32)
Mr. Anuj Aggarwal, ASC and Ms. Niti Jain,
Advocate for respondent-DOE (in I-33, 38 &
40)
Mr. Abhinav Srivastava, Advocate for Mr.
D.Rajeshwar Rao, Advocate for respondent
No.3 (in I-39)
Mr. Ankur Chhibber and Mr. Bhanu Gupta,
Advocates for respondent-DOE (in I-41)

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. In the above-captioned petitions, challenge is to impugned order of 2nd August, 2017 (*Annexure P-1*) vide which petitioner's Representation under Section 121 of *the Delhi School Education Act and Rules, 1973* (*hereinafter referred to as the DSEAR, 1973*) stands rejected with liberty to petitioner to make Representation to either Manager or Principal of School. Impugned order has been passed by the Chairman of respondent-School.
2. Since the issue involved in these petitions is identical, therefore, these petitions have been heard together and by this common order, they are being disposed of.
3. To assail impugned order, learned counsel for petitioners draws attention of this Court to a statement (*Annexure P-9*) made by the Chairman of respondent-School on 15th September, 2017 to the effect that

he is not authorized to operate the bank account of respondent-School as said bank account can be operated only by ex-Manager of respondent-School. So, it is submitted that rejection of petitioner's Representation under Section 121 of *the DSEAR, 1973* by the Chairman of respondent-School is arbitrary and it needs to be struck down with a direction to respondent-School to expeditiously decide aforesaid Representation afresh.

4. At the outset, it was put to petitioners' counsel as to why petitioner cannot approach *the Delhi School Tribunal* to seek the relief as sought in this petition. Learned counsel for petitioners submits that petitioners have already filed application under Section 27 of *the DSEAR, 1973* to claim the salary from the date of order of the Delhi School Tribunal till the date of reinstatement and the said application is still pending.

5. Upon hearing, I find that Section 25 of *the DSEAR, 1973* bars the jurisdiction of civil courts to entertain such like petitions and the appropriate course to be adopted is to file a fresh application under Section 27 *the DSEAR, 1973* before the Delhi School Tribunal to claim relief as claimed in these petitions and the Tribunal shall expeditiously consider it in accordance with the law.

6. The above-captioned petitions and the applications are accordingly disposed of, while relegating petitioner to avail of remedies before the Delhi School Tribunal.

(SUNIL GAUR)
JUDGE

JANUARY 12, 2018

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