

\$~30

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

+ W.P.(C) 2994/2019 & C.M.APPLN. 13847/2019

POONAM KHARI

..... Petitioner

Through

Mr. M. N. Siddique with Mr. Vishal
Raj Sehijpal, Advs.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through

Ms. Vibha Mahajan Seth with Ms.
Shweta Bhardwaj, Advs.
Ms. Avnish Ahlawat, Standing
counsel, GNCTD with Mr.N.K.
Singh, Adv. R-3&4

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

%

16.05.2019

Vide the present petition, the petitioner prays as under:-

- a. *Issue a writ of mandamus or any other appropriate writ, order or directions to the respondent nos.1 & 2 to set aside the impugned order dated 14.02.2019 No.F-52{4}DDE/NE/VIG/2018/75; and*
- b. *Issue a writ of mandamus or any other appropriate writ, order or directions to the respondent nos.1 &2 to make necessary inspections at the respondent school in order to ascertain the manner of working, running of illegal & unauthorized classes etc. and /or*
- c. *Issue a writ of mandamus or any other appropriate writ, order or directions to the respondent no.2 to take over the management of the respondent school being administrator of NCT of Delhi so that the school is run absolutely in accordance with the terms and conditions and Rules as laid down under The Delhi School Education Act and The Delhi School Education Rules 1973; and/or*

- d. *Issue a writ of mandamus or any other appropriate writ, order or directions to the respondent nos. 1 & 2 to transfer respondent nos.3 & 4 to other schools or departments so that the respondent school can be run in sync with the established rules and procedures or in the alternative to transfer the petitioner to some other government aided school where she can be allowed to perform her duties without any harassment or threat; and/or*
- e. *Issue a writ of mandamus or any other appropriate writ, order or directions to the respondents to not to stop or restrain the petitioner from joining her duties in the respondent school and further to let her perform her duties in accordance with the rules and procedures.*

The main challenge in this petition is the order dated 14.02.2019 issued by Deputy Director of Education, North-East whereby permission has been given to initiate disciplinary proceedings against the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is ready to face the disciplinary proceedings, however, the four members of the management of the School are her in-laws. Therefore, departmental proceedings would not be fair.

As per Rule 120 of Delhi School Education Rules, 1973 on the issue of major penalty, the committee will be headed by the Deputy Director concerned.

I hereby make it clear that none of the relatives of the petitioner shall participate in the departmental proceedings directly or indirectly.

If the petitioner is still aggrieved by any of the decisions taken by the respondents, she is at liberty to challenge the same before the appropriate Forum.

I further make it clear that if any correction is made in the order dated

14.02.2019, the corrected copy of the same shall be furnished to the petitioner within three days.

The petition is, accordingly, disposed of.

Order *Dasti*.

SURESH KUMAR KAIT, J

MAY 16, 2019

ms