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

+ **W.P.(C) 4637/2019 & 20628/2019**

UMESH GAUBA

..... Petitioner

Through **Mr. Anuj Aggarwal, Adv.**

versus

**MODERN CHILD PUBLIC SR. SEC. SCHOOL
(RECOGNIZED) & ANR**

..... Respondents

Through **Ms. Mini Pushkarna, Standing
Counsel with Ms. Swagata Bhuyan,
Mr. Shiva Pandey, Ms. Ritika, Advs.
for Director of Education
Mr. Deepak, LA with Ms. Shiv
Kumar, DEO**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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06.05.2019

Vide the present petition, the petitioner seeks a direction thereby setting aside the impugned office order dated 05.02.2019, whereby the petitioner was placed under suspension with respondent no.1 School. He further seeks a direction thereby declaring the suspension order illegal as well as unjustified.

The petitioner further seeks a direction that petitioner is entitled to all consequential benefits including reinstatement in service, full salary with effect from 05.02.2019.

It is not in dispute that the petitioner was put under suspension on 05.02.2019 and thereafter the respondent No.1 School sent the case of the

petitioner for approval to the Directorate of Education, NCT of Delhi. However, till date, the Directorate of Education has not granted any approval to the suspension of petitioner. Thus, the suspension has lapsed in terms of Section 8 (4) and Rule 115 of Delhi School Education Act and Rules, 1973.

Accordingly, the order dated 05.02.2019 is hereby set aside. Consequently, respondents are directed to pay full salary with consequential benefits to the petitioner w.e.f. 05.02.2019.

Accordingly, the petition is disposed of.

Pending application also stands disposed of.

SURESH KUMAR KAIT, J

MAY 06, 2019

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