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

+ W.P.(C) 1723/2020

VINOD KUMAR SORAN

..... Petitioner

Through Ms. Namita Choudhary and Mr.
Navdeep Jain, Advs.

versus

DELHI PUBLIC SCHOOL & ORS

..... Respondents

Through Mr. Puneet Mittal, Sr. Adv. with Ms.
Vasudha Bajaj, Adv.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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16.03.2020

CM APPL. 9938/2020 (for recall of order dated 14.02.2020)

By the instant application, the applicant- petitioner seeks recall of the order dated 14.02.2020, which is as under:

During the course of hearing, ld. counsel for the petitioner seeks to withdraw the petition with the liberty to initiate such other actions as may be available to the petitioner in accordance with law.

Dismissed as withdrawn, as prayed.

The writ petition had come to be filed by the applicant – the petitioner, in effect, seeking re-employment after superannuation with the respondent No. 1- Delhi Public School. The challenge in the writ petition was to the decision taken by the Screening Committee to not to grant any extension, which was founded on the reasons disclosed in paragraph 3

thereof, as under:

“3.The Screening Committee scrutinized the service records and other documents available in the personal file of Mr. Vinod Kumar Soran, P.G.T. Mathematics at D.P.S. R.K. Puram.

(a) The members of the Screening Committee considered the comments and observations about his work and conduct offered by the concerned Vice Principal, Dr. Renu Nayar and Head of the Department Mathematics, Mr. Anil Kumar.

(b) In their feedback both the concerned Officers, mentioned that he does not involve himself in any school activity other than the classroom teaching. They further stated that he is unable to deliver as per the expectations of the students particularly of the commerce stream. They have further reported that apart from teaching he does not show any interest in extra work either for the Department or for the school. Both the concerned Officers are not in favour of granting him re-employment after his attaining the age of superannuation. The copies of their comments/observations offered by them were scrutinized thoroughly by the Screening Committee.

(c) Further, on perusal of his personal file, it is noted that a number of complaints have been received against him concerning his behaviour with special reference to the incident dated 18th December, 2008, when he was found in a drunk condition. In another incident dated 24th September, 2018, he was found smoking near the pump area (behind the girl's hostel) during working hours in the school.

(d) A letter dated 6th June, 2006 addressed to Chairman, D.P.S. Society by the then Principal, Mrs. S. Chona, stating that Mr. Soran is a problematic person and his performance is not upto the D.P.S. Standard was also taken into consideration by the Screening Committee.

(e) The members of the Screening Committee also scrutinized various complaints received from the students

about his teaching methodology. The brief details about the complaints are as under:

(i) On 22.08.2019 students of Class XI Q gave a complaint against Mr. Vinod Kumar Soran that they are not able to understand the concepts of subject (Maths) and when students request Mr. Vinod Kumar Soran to explain the topic again, then Mr. Vinod Kumar Soran gets irritated, scolds them and when the exams are approaching he rushes with the course, making it difficult for the students to cope up with the subject.

(ii) A complaint from the Class-XI E students mentioning that Mr. Vinod Kumar Soran is short tempered, passes personal comments about parents of students, scolds them for raising queries in the class, does not answer to the queries of the students, etc.

(iii) On 03.05.2019 students of 11th class submitted a complaint that extra Maths class conducted by Mr. Vinod Kumar Soran was of no help as they got more confused and therefore requested for an extra class with some other Maths teacher.

(iv) On 15.07.2014 a complaint was received from Mr. Sanjay Talwar that students of class XII-U are not at all satisfied with the teaching style of Mr. Vinod Kumar Soran.

(v) On 17.04.2008 students of class XII –K wrote a letter requesting for a change of their Maths Teacher as the students started losing the interest in the Maths subject because of the behaviour of Mr. Vinod Kumar Soran, who narrated stories and Urdu poetry in class.

(f) Reports on Monitors Meetings with Rep 1st August, 2017, 30th July, 2018, 9th November, 2018, 18th July, 2019, 20th August, 2019 and previous years regarding the student's dissatisfaction with his teaching.

(g) A letter dated 11th September, 2019 addressed to the Chairman, D.P.S. Society and M.C. D.P.S. R.K. Puram submitting a report regarding the intolerable behaviour of Mr. Vinod Kumar Soran, P.G.T. Maths.”

The reasons so given to not to grant extension or re-employment to

the petitioner, which, the applicant -petitioner disputes, irresistibly invite trial and thereby, collecting evidence to return findings, which, a Writ Court would generally refrain to get into. In the face of the given factual and the legal position, the proceedings of 14.02.2020 whereby, the petition was dismissed as withdrawn with the liberty to the petitioner to initiate such other actions as may be available to the petitioner in accordance with law, this Court, in any situation, does not consider to be inappropriate or unjust. The applicant – the petitioner now seeks recall of such order making averments in the application as follows:

“That subsequently, the Petitioner filed fresh WP (C) No. 1723 of 2020 challenging both the orders which came up for hearing on 14.02.2020. The Hon’ble Court, however, observed that Writ Petition was not maintainable as it involved disputed question of facts which could be decided only in civil suit. The Hon’ble Court further asked the counsel to withdraw the Writ and take appropriate remedy or it would pass the order of dismissal. The Counsel, left with no other option and also surprised, in hurry opted to withdraw the Writ with liberty. It is submitted that the Counsel took the decision on his own but later on realised that it was not the right decision and instead he should have argued the matter on merit and Hon’ble Court should have passed the order subsequently.”

In the given situation, the ld counsel appearing for the applicant was asked as to whether such assertion would not actually have a reflection for misconduct of the counsel, who, earlier appeared for the petitioner. Though, hesitantly, he does come forward to accept so, but, insists that the application may be decided on merits by a speaking order. On account of such insistence, in the light of the aforesaid observations, the application is

dismissed with costs of Rs. 20,000 to be deposited with Delhi High Court Advocates' Welfare Trust within two weeks from today. In the event, the applicant- petitioner fails to deposit the cost and file the proof thereof within two weeks, the Registry shall list the matter before this Court.

The application shall stands disposed thereof.

A. K. CHAWLA, J

MARCH 16, 2020

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