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

+ WP(C) 3267/2020

RAISINA BENGALI SCHOOL SOCIETY PETITIONER

Through Mr. Anukul Raj, Advocate

versus

DIRECTORATE OF EDUCATION GOVT.

OF NCT OF DELHI & ANR.

..... RESPONDENTS

Through Mr. Santosh Kr. Tripathi, ASC

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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28.05.2020

CM No.11451/2020 (Exemption)

Allowed subject to all just exceptions.

Application stands disposed off.

WP(C) 3267/2020 and CM 11450/2020

Hearing has been conducted through Video Conferencing.

Present Writ Petition impugns Order dated 08.04.2020 passed by the Directorate of Education. The said order reads as under :-

“In view of the present outbreak of COVID-19 and also in order to ensure timely payment of salary to the employees of Aided / Taken Over Schools functioning under Directorate of Education GNCTD, it has been decided by the Competent Authority to release the salary / GIA to the extent of 100% for the month of April 2020 subject to deposit of 5% share by the Management as expeditiously as possible and in any case before release of GIA for the month of May 2020. The

DDE (Districts) shall invariably obtain undertaking from the respective Management that 5% share shall be deposited before release of salary / GIA for May 2020.”

Petitioner is a charitable educational society, registered under the Societies Registration Act, 1860 and is running two Government aided schools under the provisions of Delhi School Education Act, 1973. The schools are Government aided and 95% of their funds are given by the State Government for the purpose of staff salary by way of Grant-in-Aid.

The grievance of the Petitioner is that on account of Pandemic COVID-19, Education sector has been badly affected and the schools have been completely shut for a long time. On account of this, the school management has not been able to generate any funds, through the donations and voluntary contributions. It is submitted that the management is required to contribute 5% as management share but as there is no source of funding, the Petitioner is unable to make the said contribution.

Petitioner further pleads that the schools have now been shut till 30.06.2020 and the closure might continue thereafter. Thus there is no hope for any contributions coming in the near future. In case the management does not make the 5% contribution, Government will not release the Grant-in-Aid and in these circumstances, Petitioner will be unable to pay salaries to its staff.

The relief sought in the Petition is a direction to Respondent No.2 to extend the conditions for depositing the Management's 5% share of Staff Salary / Grand-in-Aid till the month of reopening of the School in equal monthly instalments thereafter.

Mr. Tripathi, learned Additional Standing Counsel, who appears on advance copy, on behalf of the Delhi Government submits that the Petitioner has already made a Representation dated 12.05.2020 to the Directorate of Education and the same is pending. He submits that it will be in the fitness of things if the Directorate of Education takes a view on the representation, as any order passed in one matter can have repercussion on the other similarly placed schools.

The contention of Mr. Tripathi merits consideration. Director of Education is directed to consider and decide the Representation dated 12.05.2020, within a period of two weeks from today and pass a speaking order thereon. The order so passed will be communicated to the Petitioner. Needless to state, the Petitioner will be at liberty to take recourse to appropriate legal remedies available to it, after the receipt of the order.

In the meantime, it is open to the Director of Education to take a pragmatic view in the matter and if he deems fit, release part of the Grant-in-Aid to the Petitioner, to enable the Management to disburse salaries to its staff.

The petition and the pending application are disposed of in above terms.

JYOTI SINGH, J

MAY 28, 2020

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