

\$~26 (2021)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 21.12.2021**
+ **LPA 489/2021**
ANTHONY B D COSTA Appellant

Through Mr Khagesh B. Jha, Ms Shikha
Sharma Bagga, Mr Mayank Singhal
and Mr Vijay Kumar Tiwari, Advs.

versus

THE INDIAN SCHOOL AND ORS Respondent

Through Mr Sanjeev Ralli, Sr. Advocate with
Mr Mohit Mudgal, Mr Devavrat Joshi
and Mr Ravi Kant, Advs. for R-1.
Mr Santosh Kumar Tripathi, Standing
Counsel for GNCTD with Mr Arun
Panwar and Ms Vrinda Singh, Advs.
for R-3 & 4.
Mr Ruchira Gupta, Mr Rajvansh and
Ms Nancy Shah, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):-

CM No.46504/2021

1. Allowed, subject to just exceptions.

LPA 489/2021

CM No.46503/2021 [Application filed on behalf of the appellant for
interim relief]

CM No.46505/2021 [Application filed on behalf of the appellant for
placing on record additional documents]

2. This is an appeal directed against the learned single judge's order
dated 02.12.2021, passed in W.P.(C) No.13656/2021.

3. Mr Khagesh B. Jha, who appears on behalf of the appellant, for the moment, confines this appeal to only one single aspect, which is that the appeal pending before the Delhi School Tribunal [in short “the DST”] i.e., Appeal No. 13/2020, should be disposed of, within a given timeframe.

3.1. Mr Sanjeev Ralli, learned senior counsel, who appears on behalf of respondent no.1/School and Mr Santosh Kumar Tripathi, who appears on behalf of Government of NCT of Delhi (GNCTD), say that they will have no objection, if such a direction is issued by this Court.

4. On a perusal of the impugned order, we find that the learned single judge has given liberty to the counsel for the appellant, to mention the matter before the DST, for expeditious disposal of the appeal.

5. The appellant was terminated from service on 02.06.2020.

5.1. It has been nearly one and a half years since the appellant, according to him, has been without a job.

5.2. As to whether or not the appellant’s service was rightly terminated or not, is an aspect that the DST will adjudicate upon, in the appeal.

5.3. However, we find that there is merit in Mr Jha’s contention that the appeal should be adjudicated upon, within a given timeframe.

5.4. We may also record Mr Tripathi’s stand in the matter, which is that, the appellant’s termination was brought about, without prior approval of the Directorate of Education (DOE). This is an aspect, which the DST will bear in mind, albeit, without prejudice to the rights and contentions of respondent no.1/School.

6. Accordingly, with the consent of the counsel for the parties, the appeal is disposed of, with the following directions:

6.1. The DST will hear and adjudicate upon the subject appeal, within

eight weeks from the date, when the matter is placed before the Tribunal.

6.2. In order to hasten the process, counsel for the parties will appear before the DST, on 03.01.2022.

6.3. We are informed that the date of hearing already fixed before the DST, is 21.01.2022. The DST will advance the date of hearing, as indicated by us, hereinabove.

7. The Registry will ensure that a copy of the order passed today, is dispatched to the DST.

7.1. Mr Jha will also ensure that a copy of the order is served on the DST.

7.2. The parties will place a digitally signed copy of this order, before the DST.

8. We make it clear that since we have not heard the parties on the question of law raised in the appeal ; in particular, the circumstances in which an order of termination can be stayed, under the provisions of Section 11(6) of the Delhi School Education Act, 1973, the same is kept open.

9. Consequently, pending applications shall also stand closed.

RAJIV SHAKDHER, J

TALWANT SINGH, J

DECEMBER 21, 2021

Rb

[Click here to check corrigendum, if any](#)