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

% *Date of Decision: 03rd February, 2023*

+ W.P.(C) 11519/2022

BILAL AHMAD

..... Petitioner

Through: Mr. Sundeep Sehgal, Advocate

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Latika Chaudhary,
Advocate for R-1.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Petitioner is a PGT (Hindi) teacher with Respondents No. 2 and 3-School, which is a Government aided school drawing 95% aid. Petitioner was implicated in a criminal case on 20.09.2014 and arrested. He was placed under suspension with immediate effect by the Managing Committee of the School *vide* letter dated 20.09.2014. Suspension was approved by the Directorate of Education. Subsequently, Petitioner was released on regular bail on 30.07.2015.

2. Subsistence allowance was paid to the Petitioner from September, 2014 upto January, 2017 and was unilaterally stopped from February, 2017. Several representations are stated to have been made by the Petitioner for release of subsistence allowance and reinstatement but to no avail. It is the case of the Petitioner that the Managing Committee of the School on various occasions recommended and forwarded the case of the Petitioner for release of

subsistence allowance from February, 2017, but no approval has been forthcoming from the Directorate of Education constraining the Petitioner to approach this Court.

3. By way of the present writ petition, Petitioner seeks release of subsistence allowance from February, 2017 in accordance with provisions of Rule 116 of the Delhi School Education Rules, 1973 including arrears and interest thereon. Direction is also sought to continue the payment of subsistence allowance in future till the suspension is revoked.

4. Counter affidavit filed on behalf of the School reflects that the matter for release of the subsistence allowance to the Petitioner is pending with Respondent No. 1 for approval including revision of pay fixation as per 7th CPC in that context and till date the approval has not been received. The School is an aided school and is dependent on 95% grant of the Government and as per procedure is unable to release the subsistence allowance in the absence of approval from the Directorate of Education.

5. Ms. Latika Chaudhary, learned counsel appearing on behalf of Respondent No.1/Directorate of Education, on instructions, states that the subsistence allowance due to the Petitioner with effect from February, 2017 shall be released to the Petitioner positively within a period of four weeks from today and requisite steps shall be taken to ensure that in future the subsistence allowance is paid within time and without any delay till the suspension is revoked, in accordance with law.

6. Recording the statement made and assurance given on behalf of Respondent No. 1, the writ petition is disposed of with a direction that the subsistence allowance due to the Petitioner from February, 2017 shall be released to the Petitioner within a period of four weeks from

today, failing which Respondent No. 1 shall be liable to pay interest @ 9% per annum from February, 2017 till the date of actual payment. Respondents shall ensure that subsistence allowance is paid in future, without any delay, till the Petitioner remains under suspension.

JYOTI SINGH, J

FEBRUARY 03, 2023/kks/rk

