



2024:DHC:2656



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

% Judgment delivered on: 27.03.2024

+ **W.P.(C) 419/2024 & CM APPL. 1911/2024****PROMILA ANAND**

..... Petitioner

versus

GURU NANAK PUBLIC SCHOOL & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Nitin Goel, Mr. Mayank Goel, Ms. Akshita Jain, Ms. Khushboo Yadav, Mr. N.K. Sharma and Mr. R.P. Singh, Advocates.

For the Respondents : Mr. Naginder Benipal, Mr. Ankit Siwach and Ms. Anjali Pandey, Advocates for R-1.
Mr. Yeeshu Jain, ASC alongwith Ms. Manisha, Advocate.

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****J U D G M E N T****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]****CM APPL. 18422/2024 (for exemption)**

1. This is a writ petition under Article 226 of the Constitution of India, seeking issuance of writ of certiorari, to quash the impugned suspension order dated 14.10.2023 bearing SO No. 003/2023 issued by respondent no.1/School.

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W.P.(C) 419/2024**Page 1 of 2**



2. Mr. Benipal, learned counsel appearing for the respondent submits that in the present case, serious charges of embezzlement of funds to the extent of Rs. 2 crores is made for which the reply has been filed by the petitioner and disciplinary proceedings are pending.

3. Ms. Kaushik, learned counsel submits that in the present petition, the DOE has given a dissenting note stating that no such material evidence has been found on record to show that there is an embezzlement, though it could be an irregularity of expenditure.

4. Be that as it may.

5. Since on merits, the suspension order dated 14.10.2023 bearing SO No. 003/2023 also suffers from the vice of non-compliance of sub-section (3) and (4) of Section 8 of the Delhi School Education Act, 1973, the judgement dated 27.03.2024 passed in W.P.(C) 406/2024 captioned *Rubinder Kaur Vs. Guru Nanak Public School & Anr.*, would also be applicable to the present case, and as such, the impugned order of suspension dated 14.10.2023 *vide* SO No. 003/2023 cannot withstand the scrutiny of law and the same is set aside. Consequent to the above, the petitioner would be entitled to all the benefits which will flow logically.

6. In view of the above, the petition, alongwith the pending application, is disposed of.

TUSHAR RAO GEDELA, J.

MARCH 27, 2024/ss