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

+ **W.P.(C) 9645/2024 & CM APPL. 39637/2024**

DHARMENDRA GOYAL

.....Petitioner

Through: Mr. Sudhir Sharma and Ms. Parinistha Sharma, Advocates along with Petitioner in person.

versus

DIRECTORATE OF EDUCATION & ORS.Respondents

Through: Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi, Ms. Sonu and Mr. Hitanshu Mishra, Advocates for Respondent No.1/DoE.

Mr. Ravi Sikri, Senior Advcoate with Ms. Parul Madan, Mr. Deepank Yadav, and Ms. Kanak Grover, Advocates for Respondent No.3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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16.08.2024

1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking quashing of the impugned order dated 06.04.2022, relevant part of which reads as under:

“This is in supersession of the previous order No. DDE/Z-II/2022/293 dated 05/04/2022. It is informed that the Competent Authority has considered the proposal of the school regarding termination of services in r/o Shri Dharmender Goyal, Principal, Ahlcon Public School, Mayur Vihar, Delhi. The proposal has been examined and found not to be in accordance with the provisions of DSEAR, 1973. Hence in this connection following direction are issued:-

(A) To reinstate Shri Dharmender Goyal, Principal w.e.f. 14/03/2019, the date from which he was terminated, in compliance of DST order dated 15/09/2021 with full back wages.

(B) The decision of managing committee of Ahlcon Public School, Mayur Vihar, Phase-I, Delhi, taken during the meeting dated 14/03/2019 regarding non- extension of probation period after 31/03/2019 on the ground of criminal FIR against Sh. Dharmender Goyal prior to joining

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this school and concealment of facts and also committing of suicide of a child during his principalship in the school due to which he was arrested under POSCO Act, is accepted under Rule 105 of DSEAR 1973 w.e.f. 15/03/2021 {the date from which the school communicated the decision of management committee and requested for concurrence of Director (Education)} and not w.e.f. 14/03/2019.

(C) The school is further directed to pay full wages / salary to Shri Dharmender Goyal for the period 14/03/2019 to 15/03/2021 within four weeks of the order.

This is issued with prior approval of Director (Education) vide No. 572/PSB dated 31/03/2022.”

2. On 16.07.2024, notice was issued to Respondent No.3/School. Ms. Parul Madan, learned counsel appearing on behalf of the School accepts notice and is led by Mr. Ravi Sikri, learned Senior Counsel.
3. Mr. Yeeshu Jain, learned ASC for Respondent No.1/DoE hands over a copy of the order dated 06.04.2022 under a covering letter dated 03.08.2024 whereby the Competent Authority i.e., Director of Education has granted approval for withdrawing the impugned order dated 06.04.2022. The order is taken on record.
4. In view of this order, learned counsel for the Petitioner, on instructions from the Petitioner, who is present in Court, seeks to withdraw the writ petition being infructuous.
5. Accordingly, petition stands disposed of as withdrawn in view of the withdrawal of impugned order. Needless to state that the consequential effects of withdrawal of the impugned order shall flow to the Petitioner in accordance with law. Pending application also stands disposed of.

JYOTI SINGH, J

AUGUST 16, 2024/DU

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