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

+ **W.P.(C) 16580/2024 & CM APPL. 70092/2024**

**D MALA**

.....Petitioner

Through: **Mr. Nikhilesh Kumar, Advocate.**

versus

**GURU HARKRISHAN PUBLIC SCHOOL  
AND ORS**

.....Respondents

Through: **Mr. Abinash K. Mishra, Advocate for  
R-1 and R-2.**

**CORAM:  
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER  
03.12.2024**

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1. This writ petition has been preferred on behalf of the Petitioner laying a challenge to the impugned show cause notice dated 20.11.2024 whereby Petitioner has been directed to deposit a sum of Rs.13,48,250/- in the School within 07 days as also to explain why disciplinary action should not be taken against her for unlawful withdrawal of HRA despite the fact that she was residing in an accommodation allotted to her husband.
2. Issue notice.
3. Mr. Abinash K. Mishra, learned counsel accepts notice on behalf of Respondents No. 1 and 2 and takes an objection to the maintainability of the writ petition on the ground that no challenge can be laid to a show cause notice as per settled law and the writ petition is premature. It is urged that Petitioner has so far not filed her response to the show cause notice and a final decision is yet to be taken and therefore, no interference is warranted at



this stage.

4. Responding to the contention, learned counsel for the Petitioner submits that the impugned show cause notice cannot be termed as a mere notice since a final decision has been taken that the Petitioner owes a sum of Rs.13,48,250/- to the School and by the impugned order, a direction has been given to deposit the amount within 7 days and therefore, the writ petition is not premature.

5. Court finds merit in the submission of the learned counsel for the Petitioner to the extent that the direction to the Petitioner to the extent of depositing an amount of Rs.13,48,250/- is in the nature of a decision and should not have been passed without considering the reply of the Petitioner, which she is yet to file.

6. At this stage, Mr. Mishra fairly submits that the direction to Petitioner to deposit the amount be deferred till a response is received from the Petitioner and a decision is taken on whether or not the Petitioner is liable to pay the said amount to the School.

7. Accordingly, this writ petition is disposed of with a direction to the School that it shall not insist on deposit of Rs.13,48,250/- by the Petitioner till a decision is taken after receiving the reply of the Petitioner to the show cause notice. Petitioner shall file her response to the show cause notice within two weeks from today and on receipt of the same, a considered decision shall be taken by the School, in accordance with law. The decision shall be communicated to the Petitioner within one week from the date of the decision. It is further directed that till the decision is communicated to the Petitioner and for a period of three weeks thereafter, School will not insist on payment of the amount in the event the decision is against the



Petitioner, to enable her to take recourse to legal remedies, if so advised.

8. It is made clear that this Court has not expressed any opinion on the merits of the case.

9. Pending application stands disposed of.

**JYOTI SINGH, J**

**DECEMBER 03, 2024/shivam**