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

+ W.P.(C) 5724/2024 with CM APPL. 23593/2024, CM APPL. 33932/2024

MR. RAGHAWANAND PATHAKPetitioner
Through: Mr. Aru Prakash, Advocate.

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondent
Through: Mr. Yeeshu Jain, ASC for GNCTD
with Ms. Jyoti Tyagi and Ms. Priya
Shukla, Advocates for R-1 and 2.
Mr. Udesb Puri, Advocate for
School.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **19.05.2025**

1. The petitioner has filed this writ petition under Article 226 of the Constitution, assailing an order of the respondent-Modern Child Public School ["School"] dated 04.12.2023, placing him on compulsory leave, subject to verification of his educational qualifications. The petitioner also seeks release of his salary and regularisation of a prior period of leave.
2. While issuing notice on 24.04.2024, the Court noticed that the petitioner's case was that he has been appointed as Assistant Teacher on 01.07.1997, in accordance with the provisions of Delhi School Education Act and Rules, 1973. The Court passed an interim order in the following



terms:

“12. Keeping in view the fact that the petitioner was appointed as an Assistant Teacher in the year 1997 and has been continuously discharging his duties at the said post till date, which is passage of almost 27 years and the fact that the respondent nos. 3 to 5 have directed the petitioner to proceed on compulsory leave, there is no reason as to why the petitioner is not entitled to salary.

13. As such, the respondent nos.3 to 5 are directed to release the salary of the petitioner from the month of December, 2023 onwards till date within a period of three weeks from today and continue to regularly pay the salary, subject to the outcome of the present writ petition.”

3. By a further order dated 20.02.2025, the parties were directed to produce relevant documents before the Court. The respondents were thereafter granted an opportunity to inspect the original documents in the office of their counsel. It was further directed that, in the event the respondent is satisfied about the existence of the documents, it would withdraw the impugned order, subject to verification of the documents from the concerned institutions.

4. I am informed that the said exercise was undertaken as directed, and the original documents were produced by the petitioner for inspection by the School. Mr. Udesb Puri, learned counsel for the School, further submits that process of verification of the documents from the concerned institution is still ongoing.

5. The only ground suggested by the school in support of its apprehension with regard to the petitioner's documents, is that the petitioner did not readily produce the original documents when requested to do so. I am of the view that the petitioner's dues ought not to be withheld indefinitely, on account of such an unspecified apprehension,



that the educational certificates produced by him are in some way invalid.

6. It is submitted by Mr. Puri that the interim order dated 24.04.2024 is being complied with and the petitioner's salary is being paid regularly, with the only pendency, if any, being for the month of March and April 2025. He states that if the salary for either of these months remain pending, it will be cleared within one week from today.

7. All other dues must also be paid regularly, subject to initiation of appropriate action by the respondent, in the event there is some cogent evidence that the documents submitted by the petitioner were invalid, on the basis of the responses of the concerned institutions.

8. The writ petition is disposed of with the above directions. Pending applications also stand disposed of.

PRATEEK JALAN, J

MAY 19, 2025

PB/AD/