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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7867/2024

APARNA TREHAN

.....Petitioner

Through: Mr. Sanjeet Singh, Advocate.

versus

DIRECTORATE OF EDUCATION & ORS.Respondents

Through: Mr. Gaurav Dhingra & Mr. Shashank Singh, Advocates for R-1.

Mr. Kamal Gupta, Mr. Sparsh Aggarwal, Ms. Yosha Dutt & Mr. Aaditya Dhull, Advocates for School.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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13.02.2025

CM APPL. 8773/2025 (Application on behalf of respondent Nos. 2 and 3 for variation of the order dated 28.05.2024) & W.P.(C) 7867/2024

1. CM APPL. 8773/2025 has been filed by the respondent Nos. 2 and 3-School for variation of an order dated 28.05.2024, by which the Court had permitted continuation of disciplinary proceedings initiated against the writ petitioner, but restrained the passing of any final order. The School was also granted liberty to file an application seeking variation of the order.

2. In the course of hearing, certain submissions have been made, which make it appropriate for the writ petition itself to be disposed of at this stage.



3. The writ petition is, therefore, taken on Board, with the consent of learned counsel for the parties.

4. In the writ petition, the petitioner, who is the Headmistress of the School, has challenged orders dated 25.04.2024 and 24.05.2024, by which she was suspended from the post, and a chargesheet was issued against her. Further directions have been sought from the School to treat the petitioner as “*in service*” for the entire period, and grant of full salary, as well as benefits for the period of the purported suspension.

5. By an interim order dated 28.05.2024, the Court has noted that the challenge to the suspension order was primarily on the ground of want of sanction from the Directorate of Education [“DoE”]. The Court directed as follows:-

“14. Since the Disciplinary proceedings initiated by the order dated 24.05.2024 by furnishing chargesheet cannot be interdicted by this Court at this stage, the proceedings may continue, however, the final order shall not be passed till the next date of hearing.

15. The respondent-School would be at liberty to file an application seeking variation of the aforesaid order.”

6. Mr. Kamal Gupta, learned counsel for the School, submits that, in view of the legal position that approval of the DoE was required, the School may be deemed to have withdrawn the impugned suspension order, and will grant full salary and benefits to the petitioner for the entire period of suspension.

7. In view of the above, the prayers sought by the writ petitioner have worked themselves out.

8. The only question that remains is with regard to the disciplinary proceedings. As noted in the order dated 28.05.2024, the disciplinary proceedings were not required to be interdicted in the present writ



petition. In any event, an inquiry report has now been submitted by the Inquiry Officer on 13.01.2025, in respect of which the disciplinary authority of the School has issued a notice dated 20.01.2025 to the writ petitioner. The notice requires the petitioner to respond to the inquiry report, following which further action would be considered by the disciplinary authority.

9. The petitioner has also responded to the said notice by her communication dated 03.02.2025.

10. As far as further proceedings emanating from the chargesheet are concerned, the same may therefore proceed, in accordance with law. All rights and contentions of the parties in this regard are reserved.

11. In view of the aforesaid, the writ petition is disposed of with the above observations, binding the School to the submission recorded in paragraph 6 herein above.

12. The next date of hearing, i.e. 02.05.2025, stands cancelled.

PRATEEK JALAN, J

FEBRUARY 13, 2025

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