



\$~64, 68 & 69

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

+ W.P.(C) 14686/2023

POOJA VERMA

.....Petitioner

versus

DIRECTORATE OF EDUCATION AND ORS

.....Respondents

+ W.P.(C) 15058/2023

YOGITA

.....Petitioner

versus

DIRECTOR OF EDUCATION AND ORS

.....Respondents

+ W.P.(C) 15061/2023

PRIYANKA TIWARI

.....Petitioner

versus

DIRECTORATE OF EDUCATION AND ORS

.....Respondents

Appearance:

Mr. Romy Chacko, Sr. Advocate with Mr. Ashwin Romy and Mr. Joe Sebastian, Advocates for petitioners in Item 64, 68 & 69.

Mrs. Avnish Ahlawat, SC with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates for R-1, 2 & 3 in Item 64 & 68 .

Mr. Yeeshu Jain, ASC with Ms. Kanika Tyagi and Ms. Jyoti Tyagi, Advocates of R-1 to 3 in Item 69. Ms. Shantha Devi Raman with Mr. Arihant Jain, Advocates for R4&5 in Item 64, 68 & 69.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.02.2025

CM APPL. 9864/2025 (for directions) & W.P.(C) 14686/2023

CM APPL. 9980/2025 (for directions) & W.P.(C) 15058/2023

CM APPL. 9981/2025 (for directions) & W.P.(C) 15061/2023

1. The petitioners have filed the captioned applications for directions with regard to disbursement of their salaries by the respondents.



2. With consent of learned counsel for the parties, the writ petitions are taken up for hearing.

3. The petitioners are all teachers employed by Delhi Tamil Education Association [“Association”]. They have filed these petitions, under Article 226 of the Constitution, challenging show cause notices dated 30.10.2023, issued to them by the Association. In the show cause notices, an allegation has been made that certificates submitted by them at the time of their appointments, with regard to their prior experience, were forged and fabricated. The Association has referred to a report of the Directorate of Vigilance dated 10.10.2023, and a direction of the Hon’ble Lt. Governor, Delhi, that the employment of candidates, who have secured the post on the basis of forged certificates, be terminated. By a communication addressed to the Association dated 17.10.2023, DoE required the Association to *“initiate necessary action for immediate compliance of the directions of the Hon’ble Lt. Governor of Delhi”*. Such action was initiated by issuance of the show cause notices, which required the petitioners to submit their statements of defence within 15 days, failing which appropriate action would be initiated in accordance with law.

4. By order dated 09.11.2023 in W.P.(C) 14686/2023, the operation of the show cause notice was kept in abeyance. Similar orders were passed on 21.11.2023 in W.P.(C) 15058/2023 and W.P.(C) 15061/2023.

5. During the pendency of the writ petitions, the petitioners have filed various interim applications for release of their salaries. It is their contention that their salaries have been withheld at this stage, without justification.



6. Having heard learned counsel for the parties, I am of the view that the contention of the petitioners, to this extent, is merited. In the absence of any final order of termination, they are entitled to be paid their salaries. Mrs. Avnish Ahlawat, learned Standing Counsel and Mr. Yeeshu Jain, learned Additional Standing Counsel, do not dispute this legal position, but submit that the pendency of the writ petitions, in which the show cause notices have been stayed, casts an unnecessary burden upon the Directorate of Education [“DoE”], the schools being Government aided schools.

7. Having regard to these submissions, the writ petitions are disposed of, with the consent of learned counsel for the parties, with the following directions:

- a. The writ petitions will be treated as the petitioners’ responses to the impugned show cause notices issued by the Association.
- b. The Association will grant personal hearing to each of the petitioners within a period of two weeks from today. The date, time and venue of the hearing will be communicated to the petitioners, also through their learned counsel, at least three days in advance.
- c. The Association may pass further orders after hearing the petitioners, within a period of two weeks thereafter. The Association is directed to consider the matter independently, in light of the report of the Directorate of Vigilance, and the responses thereto submitted by the petitioners in these petitions. The decisions be taken after compliance of the rules of natural justice, in accordance with law.



e. In the event an order of termination is passed, it will be open to the petitioners to take legal recourse against the same, as available to them in law.

f. As the petitioners' status, at present, is that they remain employees of the School/Association, they are entitled to be paid their salaries until the order of termination, if any, is passed. The respondents are directed to release arrears of unpaid salaries to them within a period of two weeks from today. The release of the amounts, however, will be subject to restitution, in the event the matter is ultimately decided against the petitioners, if and in the manner permissible in law.

8. It is made clear that this Court has not adjudicated upon the rights and contentions of the parties on merits, which are left open.

9. The writ petitions, alongwith pending applications, are disposed of in the aforesaid directions.

10. The next date of hearing in W.P.(C) 14686/2023 before the Court, i.e. 03.04.2025, stands cancelled. The next date of hearing in W.P.(C) 15058/2023 & W.P.(C) 15061/2023 before the Registrar, i.e. 27.03.2025, also stands cancelled.

PRATEEK JALAN, J

FEBRUARY 18, 2025//Vc/AD/