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

+ W.P. (C) 4048/2020

S.S. TYAGI

..... Petitioner

Through Mr. Anuj Aggarwal, Advocate.

versus

RAVINDRA PUBLIC SCHOOL & ANR.

..... Respondents

Through Mr. Pawan Kawrani, Advocate for R-1.

**CORAM:**

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

**ORDER**

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**09.07.2020**

Hearing has been conducted through Video Conferencing.

**CM No. 14507/2020 (Exemption from filing Court Fee, Vakalatnama etc.)**

In view of the reasons stated in the Application, the same is disposed of with a direction to Applicant to file certified copies of Annexures, affirmed Affidavit, *Vakalatnama's* Welfare and to pay the requisite Court Fee within 72 hours from the date of resumption of regular functioning of the Court.

Application stands disposed of.

**W.P. (C) 4048/2020**

Petitioner was appointed in Respondent No.1/ School on 05.08.1988 as TGT English and was subsequently confirmed on the said post in 1992.

Learned Counsel for Petitioner submits that an earlier Writ Petition, being *W.P. No. 11114/2018 titled Kalpana Khan & Ors. v. Ravindra Public*

*School & Anr.*, was filed by some staff members of the School, including the Petitioner herein, seeking benefits of 6<sup>th</sup> & 7<sup>th</sup> Pay Commissions, in terms of Section 10 of the Delhi School Education Act, 1973.

Learned Counsel for Petitioner submits, that in the year 2018, staff members of Respondent No. 1/ School had registered the Teachers' Association as a Society, by the name of 'Swastik Teacher Forum' and Petitioner is the President of the said Association. In his capacity as President, Petitioner has been raising demands with the management of the school regarding non-payment of salary and other benefits, w.e.f. March, 2020, to the teachers and other staff members. He submits that as the Petitioner lead the staff from the front and voiced their demands, he has been illegally suspended vide Suspension Letter dated 17.06.2020, for a period of four weeks upto 16.07.2020.

Learned Counsel for Petitioner further submits that Suspension Order is not only *malafide*, but is also in the teeth of the provisions of Section 8 (4) of the Delhi School Education Act, 1973 read with Rule 115 of the Delhi School Education Rules, 1973, under which a private unaided school cannot suspend an employee without prior approval of the Director of Education.

Issue Notice.

Mr. Pawan Kawrani appears on behalf of Respondent No. 1 and accepts Notice.

Issue Notice to Respondent No. 2/ Directorate of Education, by all permissible modes, returnable on 07.09.2020 including through the electronic mode.

Counter Affidavit be filed by Respondent No. 1 within a period of four weeks from today. Rejoinder, if any, be filed within a period of two

weeks, thereafter.

In the meantime, operation of Impugned Suspension Letter dated 17.06.2020 is stayed.

List on 07.09.2020.

**JYOTI SINGH, J**

**JULY 09, 2020/yo**