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

+ W.P.(C) 15898/2022

S S TYAGI

..... Petitioner

Through: Mr. Anuj Aggarwal with Mr.
Shutham Pundhir and Mr. Manas
Verma, Advs.

versus

RAVINDRA PUBLIC SCHOOL & ORS.

..... Respondents

Through: Mr. Yeeshu Jain, Standing Counsel
with Ms. Jyoti Tyagi, Adv. for R-3

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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18.11.2022

CM APPL. 49482/2022

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 15898/2022 & CM APPL. 49481/2022

3. The petitioner seeks to assail the order dated 10.01.2022, vide which he has been suspended by the respondent no. 1 school. The petitioner also assails the order dated 28.04.2022, vide which the Directorate of Education respondent no. 3 has granted approval to the suspension of the petitioner by the respondent no.1 school.
4. Learned counsel for the petitioner, while relying on the decision dated 14.10.2022 of a Division Bench of this Court in LPA No. 37/2022 titled as *Delhi Public School Dwarka vs. Sarika Prasad & Ors.*, contends that the approval of the suspension having not been granted

within a period of 15 days, as prescribed under Section 8(4) & 8(5) of the Delhi School Education Act, 1973 is bad in law. He contends that the suspension order has to be treated as non-est and the petitioner is, therefore, entitled to be reinstated.

5. Issue notice. Ms. Tyagi accepts notice on behalf of respondent no. 3. Upon the petitioner taking steps, issue notice to respondents no. 1 & 2 through all permissible modes. Counter affidavit and reply to the application, if any, be filed within six weeks.
6. In the light of the decision of the Division Bench in LPA No. 37/2022 the operation of the impugned orders will remain stayed till the next date. This would, however, not entitle the petitioner for the present to claim any arrears for the differential amount. The relevant extract of the decision in *Delhi Public School Dwarka vs. Sarika Prasad & Ors.* reads as under:

“27. Respondent No.1 was put under suspension on 24.02.2020 and the approval of Director of Education ought to have been received on or before 11.03.2020 and pursuant to the said date, Respondent No.1 could not have been kept under suspension and the order of approval granted by Director of Education on 11.03.2021 would not revive the order of suspension which had lapsed on 11.03.2020.”

7. List on 24.04.2023.

NOVEMBER 18, 2022
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REKHA PALLI, J