

(2018) 02 DEL CK 0310

In the Delhi High Court

Case No : Civil Writ Petition No. 1262 Of 2018

Anupama Khanna

APPELLANT

Vs

Directorate Of Education And Anr

RESPONDENT

Date of Decision : 12-02-2018

Acts Referred:

Citation : (2018) 02 DEL CK 0310

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Preeti Singh, Dr. Swati Jindal, Puneet Mittal, Pushpendra Pratap Singh, Vashudha Bajaj

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

1. Petitioner claims to be Trained Graduate Teacher (TGT) in respondent No.2-School, who seeks a mandamus to respondent No.1-Directorate of

Education to initiate inquiry against respondent No.2- School and upgrading of petitioner's Annual Confidential Report (ACR) which is purportedly

made adverse by respondent No.2-School.

2. Learned counsel for petitioner draws attention of this Court to the Communication of 17th July, 2017 (Annexure P-18), vide which petitioner has

been informed that she has been already given four Memos and one Show Cause Notice in the academic year 2016-17 for breaching the code of

conduct as per Delhi School Education Act & Rules, 1973 and petitioner has been intimated vide aforesaid Communication of 17th July, 2017

(Annexure P-18) that all this would be reflected in her ACR for the year 2016-17 and she has been advised to improve her performance.

3. Petitioner claims to have responded to aforesaid Communication of 17th July, 2017 (Annexure P-18) vide letter of 31st July, 2017 (Annexure P-19).

According to petitioner's counsel, a Representation of 7th October, 2017 (Annexure P-25) was made to respondent "Directorate of Education,

which was replied vide letter of 27th December, 2017 (Annexure P-26). Petitioner has been issued two Memos in December, 2017 and another two

Memos in January, 2018, which are appended to the writ petition as Annexure P-27 (colly).

4. The apprehension expressed by petitioner's counsel is that due to Complaint of 22nd January, 2018 (Annexure P-28 colly) of sexual harassment

against Principal of respondent-School, petitioner might be removed from service.

5. Learned senior counsel appearing for respondent-School submits that this petition is premature and if any adverse entry is made in petitioner's

ACR for the session 2016-17, then it would be duly communicated to her. It is also submitted on behalf of respondent-School that petitioner's

Complaint of 22nd January, 2018 (Annexure P-28 colly) is under active consideration of the Committee constituted by Chairman of respondent-

School.

6. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with direction to respondent- Directorate of

Education to consider petitioner's grievance as made in Representation of 7th October, 2017 (Annexure P-25) and to take effective steps, if

deemed appropriate and in any case, to convey the fate of Representation of 7th October, 2017 (Annexure P-25) to petitioner within twelve weeks, so

that petitioner may avail of the remedies, as available in law, if need be.

7. So far as petitioner's Complaint of 22nd January, 2018 (Annexure P-28) is concerned, no directions are required to be issued as the complaint

in question is under active consideration of the Committee constituted by Chairman of respondent-School. The prayer made in this petition regarding

adverse remarks in petitioner's ACR is premature. If any adverse remarks are to be recorded in ACR of petitioner, then it be conveyed to her, so

that petitioner may seek redressal as per applicable rules and regulations.

8. Needless to say that petitioner's apprehension of her being removed from service is misplaced because if such a course is to be adopted, then it

would be done strictly in accordance with the applicable rules and regulations.

9. With aforesaid directions, this petition is disposed of.