

(2020) 09 DEL CK 0016

In the Delhi High Court

Case No : Civil Writ Petition No. 13623 Of 2019, Civil Miscellaneous Application No. 55040 Of 2019, 8802, 13483 Of 2020

Harpreet Kaur

APPELLANT

Vs

Queen's Convent School And Anr

RESPONDENT

Date of Decision : 04-09-2020

Acts Referred:

Citation : (2020) 09 DEL CK 0016

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Gaurav Gaur, Dilip Singh, Manisha Chauhan, Avnish Ahlawat, Nitesh Kumar Singh

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been held through video conferencing.
2. The present petition has been filed by the Petitioner who is a Physical Education teacher with the Queen's Convent School (hereinafter "School"). She was appointed in the year 2008 and her appointment was confirmed in 2014. Some disputes had arisen between her and the School and her salary was stopped. The Petitioner was therefore constrained to file the present writ petition for release of her salary in December, 2018.
3. A memo was issued by the School against the Petitioner for pursuing her MPE Course without the School's permission. The same was replied to by the Petitioner. However, the School thereafter issued a show cause notice on 14th August, 2019. The Petitioner also filed a reply to the said show cause notice of the School by which an inquiry had been instituted against her.
4. According to the Petitioner, the inquiry was conducted in an unfair and arbitrary manner, leading to the filing of the present petition. The prayer in the

petition is set out below:

"a) to issue an appropriate writ order or direction, in the nature of mandamus to quash the disciplinary proceedings initiated by the respondent no.1 against the petitioner and also quash the order of the inquiry officer dated 24.10.2019 bearing Ref. No.PK/IO/01; Or in the alternative if this Hon'ble Court reaches to the conclusion that the disciplinary proceedings cannot be quashed, then in such eventuality this Hon'ble Court may graciously be pleased to;-

b) issue an appropriate writ, order or direction in the nature of mandamus thereby directing the respondents to allow the petitioner to avail services of Shri J.B. Anand as her Defence Assistant and also pass necessary directions for recording of all the proceedings conducted by the Inquiry Officer in a CCTV cameras.

c) issue an appropriate writ, order or direction in the nature of mandamus thereby directing the respondent no.2 to supervise the disciplinary proceedings by sending a competent officer to recall all the proceedings of the disciplinary proceedings;

d) Any other or further relief(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also kindly be passed in favour of the petitioner and against the respondents, in the interest of justice"

5. As can be seen from the prayer, one of the major grievances of the Petitioner was that she was not being allowed to take the services of Mr. J.B. Anand as her Defence Assistant. The Petitioner has also expressed some apprehensions about the Inquiry Officer who was conducting the inquiry. During the pendency of this writ petition, the Inquiry Officer has changed and the Petitioner has also been provided a Defence Assistant. Vide order dated 19th August, 2020 this Court has taken on record the School's statement that the Inquiry Officer would be Mr. Harbans Kaushal, Advocate and the Presenting Officer would be Mr. Rajesh Khanna. The Department of Education (hereinafter, "DoE") was also directed to appoint an Observer for conduct of the inquiry proceedings. Mrs. Avnish Ahlawat, Standing Counsel has sought instructions and the DoE has appointed Mr. Mohan Singh Rawat, Section Officer as Observer for the inquiry proceedings. The Petitioner has also been permitted to avail the services of Mr. Ranbir Singh as her Defence Assistant in the inquiry proceedings. The inquiry proceedings are stated to have now commenced and the next date in the matter is stated to be in September, 2020.

6. The various apprehensions expressed by the Petitioner have therefore been adequately addressed. The inquiry shall now be conducted in a free, fair and impartial manner. Proper and adequate notice for each hearing shall be given to the Observer, the defense assistants and the parties concerned. The representative of the DoE who is the Observer shall remain present on all dates during the inquiry proceedings.

7. With these observations, the present petition is disposed of leaving open the rights and remedies of the parties to avail of any remedies in accordance with law, after the enquiry report is submitted. If the Petitioner is aggrieved by the report of the Inquiry Officer, she is free to avail of her remedies in accordance with law. All permissible objections raised objecting to the initiation of the Inquiry in this writ petition, may also be raised in any proceeding which the Petitioner may file challenging the Inquiry Report, if the need arises. All pending applications are also disposed of.