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**(2018) 03 DEL CK 0388**

**In the Delhi High Court**

**Case No :** Civil Writ Petition No. 2207 Of 2018, Civil Miscellaneous No. 9150, 9151 Of 2018

Purshottam Dutt

APPELLANT

Vs

Savitri Public School And Anr

RESPONDENT

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**Date of Decision :** 09-03-2018

**Acts Referred:**

Delhi School Education Act, 1973 — Section 8(3)

**Citation :** (2018) 03 DEL CK 0388

**Hon'ble Judges :** Sunil Gaur, J

**Bench :** Single Bench

**Advocate :** M. Padhi, Vibha Mahajan Seth

**Final Decision :** Disposed Of

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## **Judgement**

Sunil Gaur, J

1. Against the penalty of removal from service, petitioner has approached this Court instead of filing an appeal before the Delhi School Tribunal in terms of Section 8 (3) of The Delhi School Education Act, 1973.

2. Learned counsel for petitioner submits that since the termination of petitioner is wholly illegal, therefore, this petition has been filed. Attention of this Court is drawn to order of 5th October, 2016 (Annexure P-9) to point out that respondent-School had withdrawn the order of 17th May, 2016 vide which petitioner was removed from service and so, passing of impugned order of 12th October, 2017 is wholly unjustified.

3. Learned counsel for respondent No.2-Directorate of Education points out that withdrawal of earlier removal order of 17th May, 2016 was subject to pending approval by Directorate of Education and now, the said approval has been granted and so, impugned order is required to be challenged before the Delhi School Tribunal.

4. Since the remedy against impugned order lies with the Delhi School Tribunal, therefore, petitioner is relegated to avail of the remedies by filing an appeal before the Delhi School Tribunal. It is expected that if an appeal is filed within a week from today, then delay if any, deserves to be condoned, so that the appeal, if filed, is decided on merits.

5. With aforesaid observations, this petition and the application are disposed of.

Dasti.