

(2018) 01 DEL CK 0059

In the Delhi High Court

Case No : 274 of 2018 & CM 1109 of 2018

RIVA SINGH & ORS

APPELLANT

Vs

SCHOOL MANAGEMENT OF RING MIDWAYS SENIOR
SECONDARY PUBLIC SCHOOL & ORS

RESPONDENT

Date of Decision : 12-01-2018

Acts Referred:

[Delhi School Education Act, 1973](#), [Section 25](#), [Section 27](#), [Section 121](#) -
Jurisdiction of civil courts barred - Liability of manager to punishment

Citation : (2018) 01 DEL CK 0059

Hon'ble Judges : Sunil Gaur

Bench : Single Bench

Advocate : Rajesh Goswami, Anita Goswami, Naushad Ahmad Khan, Rizwan, Jyoti Taneja, Shadan Farasat, Varun Nischal, Anuj Aggarwal, Niti Jain, Abhinav Srivastava, D.Rajeshwar Rao, Ankur Chhibber, Bhanu Gupta, Ahmed Said

Final Decision : Disposed

Judgement

1. In the above-captioned petitions, challenge is to impugned order of 2nd August, 2017 (Annexure P-1) vide which petitioner's Representation under Section 121 of the Delhi School Education Act and Rules, 1973 (hereinafter referred to as the DSEAR, 1973) stands rejected with liberty to petitioner to make Representation to either Manager or Principal of School. Impugned order has been passed by the Chairman of respondent- School.

2. Since the issue involved in these petitions is identical, therefore, these petitions have been heard together and by this common order, they are being disposed of.

3. To assail impugned order, learned counsel for petitioners draws attention of this Court to a statement (Annexure P-9) made by the Chairman of respondent-School on 15th September, 2017 to the effect that he is not authorized to operate the bank account of respondent-School as said bank account can be

operated only by ex-Manager of respondent-School. So, it is submitted that rejection of petitioner's Representation under Section 121 of the DSEAR, 1973 by the Chairman of respondent-School is arbitrary and it needs to be struck down with a direction to respondent-School to expeditiously decide aforesaid Representation afresh.

4. At the outset, it was put to petitioners' counsel as to why petitioner cannot approach the Delhi School Tribunal to seek the relief as sought in this petition. Learned counsel for petitioners submits that petitioners have already filed application under Section 27 of the DSEAR, 1973 to claim the salary from the date of order of the Delhi School Tribunal till the date of reinstatement and the said application is still pending.

5. Upon hearing, I find that Section 25 of the DSEAR, 1973 bars the jurisdiction of civil courts to entertain such like petitions and the appropriate course to be adopted is to file a fresh application under Section 27 the DSEAR, 1973 before the Delhi School Tribunal to claim relief as claimed in these petitions and the Tribunal shall expeditiously consider it in accordance with the law.

6. The above-captioned petitions and the applications are accordingly disposed of, while relegating petitioner to avail of remedies before the Delhi School Tribunal.