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**(2017) 11 DEL CK 0426**

**In the Delhi High Court**

**Case No :** Civil Writ Petition No. 6988 Of 2017, Civil Miscellaneous No. 28994 Of 2017

Rupa Sharma

APPELLANT

Vs

Directorate Of Education And Anr

RESPONDENT

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**Date of Decision :** 15-11-2017

**Acts Referred:**

Delhi School Education Rules, 1973 — Rule 115(2)

Delhi School Education Act, 1973 — Section 8(4)

**Citation :** (2017) 11 DEL CK 0426

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

**Bench :** Single Bench

**Advocate :** Madhumita Bhattacharjee, Tuba Mohdi, Ramesh Singh, Sandeepan Pathak, Joginder Sukhija

**Final Decision :** Disposed Of

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## **Judgement**

Sunil Gaur, J

1. Petitioner, an Assistant Teacher in the Primary Wing of respondent's school was placed under suspension vide order dated 5.5.2016 (Annexure

P-2) and an inquiry was conducted as per the memorandum of charge of 4.8.2016 (Annexure P-4). Learned counsel for respondent-school informs

that the inquiry has now concluded and that the inquiry report is placed before the Disciplinary Action Committee which shall soon take action on it.

At this stage, petitioner's counsel points out that there is no Disciplinary Action Committee. Be that as it may. Since the inquiry is virtually

concluded, therefore, challenge to the initiation of the inquiry is not being gone into this petition.

2. It is left open to petitioner to assail the outcome of the inquiry as per law. So far as petitioner's prolonged suspension is concerned, I find that

petitioner had sought revocation of suspension vide representation of 11.5.2017 (Annexure P-15) by invoking Rule 115(2) of the Delhi School

Education Rules, 1973. It is petitioner's case that no response to the representation (Annexure P-15) has been made by the respondent-school.

Learned counsel for first respondent submits that the respondent-school vide communications of 10.08.2017 and 24.10.2017 and show cause notice of

30.10.2017 has been called upon to show cause as to why petitioner has been suspended without following proper procedure as per Section 8(4) of

Delhi School Education Act and Rules, 1973 and no response to it has been received. Learned counsel for respondent-school submits that he will

check up and will ensure that the response to the aforesaid communications of 10.8.2017 and 24.10.2017 and show cause notice of 30.10.2017 is

made by the respondent-school within 2 weeks. Let it be so done.

3. Upon receipt of the response from respondent-school, the first respondent shall proceed to decide petitioner's representation of 11.5.2017

(Annexure P-15) within 4 weeks and intimate the petitioner about fate of the representation, so that petitioner may avail of the remedies as available in

law, if need be.

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

5. Dasti to both sides.