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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 3632/2020

RADHEY SHAYAM

..... Petitioner

Through Ms. Tamali Wad, Advocate.

versus

M.R. BHARTI COLLEGE OF EDUCATION
& ORS.

..... Respondents

Through Ms. Sukriti Jaggi, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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19.06.2020

C.M. No. 12941/2020 (Exemption from filing affirmed affidavit and court fee)

In view of the prevailing situation and the reasons stated in the application, the same is disposed of with a direction to the applicant to file the duly affirmed affidavit and to pay the requisite court fee within a period of one week of lifting of the lockdown.

Application stands disposed of.

W.P. (C) 3632/2020 and C.M. No. 12940/2020

Hearing has been conducted through Video Conferencing.

Petitioner herein was appointed by Respondent No. 1/College as a Lecturer (Fine Arts) in the pay scale of Rs. 9,300-34,800/- plus allowances and joined the services of Respondent No. 1 with effect from 25.09.2013.

It is the case of the Petitioner that throughout his entire tenure in College, he was working with dedication and honesty and has given no

cause of complaint to the College. It has also been averred that in fact as recent as on 20.02.2020, Respondent No. 1/College also issued an Experience Certificate to the Petitioner stating therein that he is working on the post of Assistant Professor (Art and Work Education) in the College since 07.06.2013 till date and his record keeping, class discipline, practical performance, concept building and results are satisfactory. The Certificate also notes that the Petitioner is a hardworking and an honest employee.

Ms. Tamali Wad submits that, suddenly, to the shock of the Petitioner on 30.05.2020, the Petitioner received a Whatsapp message intimating to him that the Management had decided to terminate his services along with two other female teachers and he was required to remain present at the College at 12:00 P.M. on 01.06.2020 to collect his salary.

Ms. Tamali Wad further submits that when the Petitioner reached the College on 01.06.2020, he was informed that he has been removed from the services of the College along with two other male teachers instead of the earlier communication which referred to two female teachers.

Ms. Tamali further submits that, thereafter, the Petitioner sent an e-mail dated 03.06.2020 to the Chairman of Respondent No. 1, requesting them to release his salary for the month of April & May, 2020 as well as requesting for conveying, in writing, the reasons for his unceremonious dismissal/removal from service.

Pursuant thereto, Petitioner received an e-mail dated 04.06.2020 whereby he was informed that Petitioner had been dismissed from the service on account of certain complaints received against him.

Ms. Tamali Wad vehemently argues that the allegations/complaints against the Petitioner, if any, are fabricated as no such complaint existed

prior to the impugned action of termination. During his entire tenure with Respondent No. 1/ College, Petitioner did not receive any advisory/counseling/memo and no complaint was ever brought to the notice of the Petitioner and he has had an unblemished record.

Ms. Tamali further submits that the termination is without following the due process of law and is stigmatic and punitive. Without prejudice to the above contentions, it is submitted that assuming for the sake of arguments that there were any complaints against the Petitioner, a formal enquiry should have been held before dispensing with the services of Petitioner. She further submits that the termination order is also against the well settled principle of *audi alteram partem* as not even a hearing/show cause notice has been given to the Petitioner.

Learned counsel, thus, submits that the dismissal/termination order be set aside. It is further prayed that in the interregnum, salary of the Petitioner for the months of April & May 2020 should be immediately released to the Petitioner.

Issue notice to the Respondents, returnable on 08.07.2020.

Petitioner is at liberty to serve the Respondents through electronic mode.

List on 08.07.2020.

JYOTI SINGH, J

JUNE 19, 2020

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