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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5053/2020, CM No. 18234/2020
DEEPA CHHIBBER & ORS.

..... Petitioners

Through: Ms. Asha Jain Madan, Adv.

versus

DAYANAND ADARSH VIDYALAYA & ORS.

..... Respondents

Through: Mr. Neeraj Arya, Manager of School /
R-1 & R-2
Mr. Santosh Kumar Tripathi, ASC for
GNCTD /R-3 to R-5

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

12.03.2021

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This matter is being heard through video-conferencing.

The present petition has been filed by the petitioners with the following prayers:

“In view of the facts and circumstances mentioned hereinabove and the submissions made, the petitioners pray that this Hon'ble Court may be pleased to:

(a) Issue appropriate writ/order/direction against the Respondent Nos.1 and 2 to pay whole of the arrears of salary w.e.f. December 2019 till date with interest on the late payment and whole of the arrears of the salary and other benefits; and

(b) Issue direction to the Respondent No. 1 to allow the



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*Petitioner teachers to conduct online classes of the students;
and*

(c) Issue appropriate writ/order/direction against the Respondents 3-5 restraining them to allow the school management request to close the school; and

(d) Issue appropriate Writ/order/direction against the Respondents 3-5 to take over the management of the school;

(e) Allow costs to the petitioners; and

e. issue any other appropriate order or direction as this hon'ble court may deem fit and proper in the facts and circumstances of the case."

Counter affidavit has been filed by the respondent No.1 School and Mr.Neeraj Arya, Manager of the School is also present. He states that salary till March 30, 2020, when the School was closed, has been paid to all the petitioners. He also states that the School has applied for closure to the Directorate of Education.

Mr.Tripathi, learned ASC appearing for the Directorate of Education states that the issue of closure is still pending with the Directorate of Education and the Directorate of Education has written a letter to the respondent No.1 School to inform the Directorate, whether complete salary has been paid to the petitioners / Teachers. Response thereof is still not forthcoming from the respondent No.1 School.

Ms.Asha Jain Madan, learned counsel appearing for the petitioners dispute the submission made by Mr.Neeraj Arya that the School has been closed after March 30, 2020, inasmuch as the teachers are working in the School and no salary is being paid to them.



Noting the difference in the stand of the parties, appropriate shall be that the concerned Deputy Director, Education shall file a report with regard to the status of the School / status of the petitioners as Teachers / Staff in the School / status of the students / salary paid to the Teachers / Staff.

The report shall be filed within three weeks from today.

List on April 28, 2021.

CM No. 18234/2020

Issue notice. Mr.Neeraj Arya, Manager of School accepts notice for respondent Nos.1 and 2 and Mr.Santosh Kumar Tripathi, ASC accepts notice for the respondent Nos.3 to 5.

Reply, if any, be filed within two weeks. Rejoinder thereto, if any, be filed within one week thereafter.

List on the date fixed.

V. KAMESWAR RAO, J

MARCH 12, 2021/aky