

(Equivalent Citation:- 2006(2) AD(Delhi) 759, 2006(87) DRJ 459, 2006(2) AD(Delhi) 759)

128 (2006) Delhi Law Times 626 (DB)

Delhi High Court

Markandeya Katju, C.J. & Madan B. Lokur, J.

N.N. SETH & ORS.—Appellants

versus

RENU GUPTA & ORS.—Respondents

LPA 185 of 2004—Decided on 1.2.2006

Delhi School Education Rules, 1973 — Rules 115(2), 115(5)(a), 116, 116(ii), 117(b) — Quashing of Extension of Suspension Order — Writ of *mandamus* to pay full pay and allowances for period in question — No rule prohibits re-suspension or extending suspension period after it had lapsed — Nothing illegal in re-suspension of petitioner when grave and serious charges are against petitioner — She was found *prima facie* guilty of various grave misconducts *e.g.* embezzlement of school funds, running parallel management in school, insubordination, misbehaviour towards management — Impugned judgment of Single Judge set aside.

[\[Paras 24, 25, 27, 32, 34, 35\]](#)

Result : Appeal allowed.

Cases referred:

1. *Prem Sehgal v. Director of Education*, 1986 RLR 147. (Relied) [\[Para 28\]](#)
2. *TMA Pai Foundation & Ors. v. State of Karnataka & Ors.*, IV (2002) CLT 172 (SC)=[VI \(2002\) SLT 313](#)=(2002) 8 SCC 481. (Relied) [\[Para 30\]](#)
3. *Delhi Public School & Anr. v. The Director of Education & Ors.*, [100 \(2002\) DLT 530 \(FB\)](#)=2002 VIII AD (Del.) 645. (Relied) [\[Para 31\]](#)
4. *Kathuria Public School and Ors. v. Director of Education & Anr.*, [113 \(2004\) DLT 703](#)=2005 VI AD (Del.) 893. (Relied) [\[Para 33\]](#)

Counsel for the Parties:

For the Appellant : **Mr. R.M. Sinha**, Advocate

For the Respondent : **Ms. Avnish Ahlawat and Ms. Geeta Luthra**, Advocates.