

132 (2006) Delhi Law Times 237 (DB)

Delhi High Court

Mukul Mudgal & Dr. S. Muralidhar, JJ.

VAISHALI INTERNATIONAL SCHOOL TEACHERS WELFARE
ASSOCIATION—Appellant

versus

ALL INDIA SIDDHARTH INT. EDUCATIONAL SOCIETY & ORS.—
Respondents

LPA 1721 of 2005—Decided on 18.8.2006

(i) Constitution of India, 1950 — Art. 21A — Delhi School Education Act, 1973 — Sections 24(3), 24(1), 24(4) — Delhi School Education Rules, 1973 — Rule 46 — Powers of Directorate of Education — Illegal closure of School (Appellant)/Surrender its recognition by respondent-society — Grounds — Number of disputes between teachers and management resulted in considerable reduction in number of students and income decreased considerably and society is aiding Rs. 1 lac p.m. — That Society is not in position to bear such heavy amount — Respondent-society is not minority institution as claimed by it — It was bound to comply with provisions of Act and Rules as non-minority institution — Society could not have closed down School without obtaining prior permission under Rule 46 of Rules — Attempt to illegally close down School was device to avoid complying with binding directions issued by Director of education under Section 24(3) of Act — No infirmity in refusal of permission by respondent No. 3 to society to close down said School — Wilful suppression of material facts by society — Society with impunity able to avoid consequences of its illegal actions — General observations made by Court in field of education in Delhi — Fundamental right to education enshrined in Article 21A, of Constitution obliges State to ensure education of minimum acceptable standard in Public Sector for children between ages of 6 and 14 — Teacher-members of appellant-Association, battling for over 8 years and unable to enforce binding order of Director of education on account of unscrupulous conduct of society — Many teachers had to approach Delhi School Education Tribunal against arbitrary termination of their services — No purpose would be served in directing their reinstatement, on account of changed circumstances — Respondent No. 1 society to pay to members of appellant their entire arrears of salaries and other statutory dues calculated on basis of their not having been terminated or suspended — Sums shall be paid together with interest @ 9% p.a. from date of illegal termination/suspension of services till date of payment — Costs of Rs. 25,000/- shall be paid by respondent No. 1 Society to appellant Association on or before 30.9.2006.

[\[Paras 25 onwards\]](#)

(ii) Constitution of India, 1950 — Art. 226 — Writ Jurisdiction — Wilful suppression of material facts sufficient to disentitle society to any relief under Article 226 of Constitution.

[Para 18]

Result : Appeal allowed.

Cases referred:

1. *All India Siddharth International Society v. Lt. Governor*, 2002 (2) [\[Para 9\]](#)
AD (Del.) 641. (*Referred*)

2. *Delhi Abhibhavak Mahasangh v. Union of India*, [76 \(1998\) DLT 457 \(DB\)](#). (*Relied*) [\[Para 26\]](#)

3. *P.A. Inamdar v. State of Maharashtra*, [VI \(2005\) SLT 423](#)=(2005) 6 SCC 537. (*Relied*) [\[Para 26\]](#)

Counsel for the Parties:

For the Appellant : ***Mr. Sanjay Sharawat, Advocate.***

For the Respondent No. 1 : ***Mr. R.M. Sinha, Advocate.***

For the Respondent Nos. 2 and 3 : ***Ms. Avnish Ahlawat, Advocate.***