

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Nirmaljit K. Rathee v. Delaware State University

Rathee · No. C.A. No. 1:24-CV-00777-TMH · Decided April 16, 2026

SUMMARY

The United States District Court for the District of Delaware granted Delaware State University’s Rule 12(b)(6) motion to dismiss Nirmaljit K. Rathee’s Second Amended Complaint with prejudice. The court held that Rathee failed to adequately plead claims for Title VII race or national-origin discrimination, ADEA age discrimination, and FMLA retaliation or interference.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Todd M. Hughes
JURISDICTION	United States District Court for the District of Delaware
DECIDED	April 16, 2026
DOCKET	C.A. No. 1:24-CV-00777-TMH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's Second Amended Complaint with prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts factual allegations as true, construes the complaint in the plaintiff's favor, and determines whether the plaintiff may be entitled to relief under any reasonable reading of the complaint. The complaint must plead enough facts to state a claim that is plausible on its face; the court may consider the complaint and attachments.
PRECEDENTIAL VALUE	Nonprecedential district court memorandum opinion; no precedential status is stated in the source.
PARTIES	Nirmaljit K. Rathee, M.A., Ph.D. v. Delaware State University

TOPICS

- title vii
- employment discrimination
- age discrimination
- family and medical leave act
- motions to dismiss

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Second Amended Complaint plausibly pleaded that Rathee was qualified for the position at issue and that circumstances supported an inference of unlawful race or national-origin discrimination under Title VII.
2. Whether the Second Amended Complaint plausibly pleaded that Rathee was qualified and was replaced by a sufficiently younger employee to support an inference of age discrimination under the ADEA.
3. Whether the Second Amended Complaint plausibly pleaded a causal connection between Rathee's FMLA leave and an adverse employment action sufficient to state an FMLA retaliation claim.
4. Whether Rathee sufficiently pleaded an independent FMLA interference claim.

HOLDINGS

1. The Title VII claim must be dismissed because the complaint did not plausibly allege that Rathee was qualified for the Director of Education Graduate Programs position or that the circumstances gave rise to an inference of unlawful discrimination.
2. The ADEA claim must be dismissed because the complaint did not plausibly allege that Rathee was qualified for the position or that she was replaced by a sufficiently younger employee so as to support an inference of discriminatory motive.
3. The FMLA retaliation claim must be dismissed because the complaint did not plead facts supporting a causal connection between Rathee's FMLA leave and her termination or other adverse employment action.
4. Rathee did not plead an independent FMLA interference claim; the complaint's single reference to interference was merely a conclusory recital of an element, and the alleged facts showed that she was granted FMLA leave.

KEY QUOTATIONS

“delivery of a termination letter on a religious holiday alone is insufficient to give rise to an inference of unlawful discrimination.” (§ III.A.b)

“Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” (§ III.C.b)

FACTUAL BACKGROUND

Rathee, a sixty-year-old Asian woman, worked for Delaware State University from 2009 as a professor and held the position of Director of Education Graduate Programs. After she failed to timely report plagiarism in a graduate student's dissertation proposal and failed to maintain required graduate-school files on an accessible shared drive, the University removed her from the director position and returned her to her tenured professorship. The University later assigned her undergraduate physical-education courses; after she took FMLA

leave, refused the proposed teaching and reintegration conditions, and did not respond to several University communications, the University terminated her employment on October 29, 2024.

PROCEDURAL HISTORY

Rathee filed a Second Amended Complaint on November 15, 2024, asserting Title VII race/national-origin discrimination, ADEA age discrimination, and FMLA retaliation claims. Delaware State University moved to dismiss with prejudice on December 3, 2024. The court granted the motion and dismissed all three claims with prejudice.

DISPOSITION

dismissed

CASES CITED

- Fowler v. UPMC Shadyside, 578 F.3d 203, 210 (3d Cir.)
- Watson v. Dep't of Servs. for Child., Youth & Their Fams. Del., 932 F. Supp. 2d 615, 622 (D. Del.)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Garnett v. Bank of Am., 243 F. Supp. 3d 499, 509 (D. Del.)
- O'Connor v. Consol. Coin Caterers Corp., 517 U.S. 308, 310 (1996)
- Bellounis v. Middle-E. Broad. Network, Inc., No. 18-cv-885, 2019 WL 5654307, at *4 (E.D. Va. Oct. 31, 2019)
- Houston v. Easton Area Sch. Dist., 355 F. App'x 651, 654 (3d Cir.)
- Stovall v. Grazioli, No. 20-cv-2041, 2023 WL 3116439, at *2 (3d Cir. Apr. 27, 2023)
- Golod v. Bank of Am. Corp., 403 F. App'x 699, 702–03 (3d Cir.)
- Willis v. UPMC Child.'s Hosp. of Pittsburgh, 808 F.3d 638, 644 (3d Cir.)
- White v. FedEx Corp., No. 19-cv-325, 2019 WL 5102168, at *3 (M.D. Pa. Oct. 11, 2019)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Lichtenstein v. Univ. of Pittsburgh Med. Ctr., 691 F.3d 294, 301–02 (3d Cir.)
- Callison v. City of Philadelphia, 430 F.3d 117, 119 (3d Cir.)

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