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

+ W.P.(C) 4853/2011 & CM 9841/2011

HENA DUTTA

..... Petitioner

Through: Mr. R.K. Saini, Advocate.

versus

BENGALI SENIOR SECONDARY SCHOOL & OTHERS

..... Respondents

Through: Mr. Sanjoy Kumar Ghosh and
Ms. Rupali S. Ghosh, Advocate
for R-1.Mr. Shariq Mohammad,
Advocate for R-2 & R-3.

\$19

+ W.P.(C) 6334/2011 & CM 12730/2011

K P S MALIK

..... Petitioner

Through: Mr. Shailendra Babbar,
Advocate.

versus

DIRECTOR OF EDUCATION & ANR.

..... Respondents

Through: Ms. Sonia Arora, Advocate for
R-1.Ms. Priya Deep for
Mr. Shobhit Chandra,
Advocate for R-2.

WP(C) 4853/2011 & ORS

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 file and no page is missing.

\$23
+ W.P.(C) 5705/2011 & CM 11642/2011
RUPALI MEHTA Petitioner
Through: Mr. R.K. Saini, Advocate.

versus

SGTN GIRLS SR. SECONDARY SCHOOL AND ORS Respondents
Through: Mr. Jasmeet Singh, Advocate
for R-1.
Mr. N.R. Chaudhary, Advocate
for GNCTD.

\$24
+ W.P.(C) 6342/2011 & CM 12745/2011
SHILA WATI CHOUDHARY Petitioner
Through: Mr. Kartar Singh, Advocate.

versus

THE CHIEF SECRETARY AND ORS Respondents
Through: Ms. Sonia Arora, Advocate for
the R-1 & R-2

\$26
+ W.P.(C) 6757/2011 & CM 13630/2011

DHARAM VIR Petitioner
Through: Mr. Kartar Singh, Advocate.

versus

THE CHIEF SECRETARY AND ANR Respondents
Through: Mr. Dhanesh Relan, Advocate.

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\$28

+ W.P.(C) 7246/2011 & CM 16467/2011

GITA SHARMA Petitioner
Through: Mr. Kartar Singh, Advocate.

versus

THE CHIEF SECRETARY AND ORS Respondents
Through: None.

\$29

+ W.P.(C) 7273/2011

RENUKA BHATIA Petitioner
Through: Mr. Sandeep Grover,
Advocate.

versus

DIRECTOR OF EDUCATION AND ANR Respondents
Through: Mr. H. S. Sachdeva and
Mr. S.K. Nimmi, Advocates for
R-1.

\$31

+ W.P.(C) 7359/2011 & CM 16688/2011

BHAGAT SINGH Petitioner
Through: Mr. Sunil Prasad, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents
Through: None.

\$32

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W.P.(C) 7455/2011

BAL KISHAN

..... Petitioner

Through: Mr. Kartar Singh, Advocate.

versus

THE CHIEF SECRETARY THR. GOVT OF NCT AND ANR

..... Respondents

Through: Ms. Sonia Arora, Advocate. for
R-1 & R-2.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

21.11.2011

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The present nine Petitions are filed by retired teachers seeking automatic re-employment in terms of the Notification issued by the Government of National Capital Territory of Delhi, Directorate of Education, Old Secretariat, Delhi, dated 29th January, 2007. Since they raise a common issue they are disposed of by this common order.

The Notification dated 29th January, 2007 reads as follows:-

"Government of National Capital Territory of Delhi
Directorate of Education Old Secretariat, Delhi
No.F.30-3(28)/Co-ord./2006/689-703

Dated: 29th Jan, 2007

NOTIFICATION

In pursuance of Cabinet Decision No.1113 dated 04.09.2006 conveyed vide letter No.F.3/3/2004-GAD/CN/20491-502 dated 08.09.2006, the Lieutenant Governor, Government of National

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Capital Territory of Delhi is pleased to allow automatic re-employment of all retiring teachers upto PGT level, subject to fitness and vigilance clearance, till they attain the age of 62 years or till clearance from the Government of India for extending retirement age is received, whichever is earlier. The terms and conditions of re-employment are being notified separately.

By order and in the name of The Ld. Governor
of the National Capital Territory of Delhi

SD/-

Dated: 29.01.2007"

The issue of automatic re-employment is no longer *res integra* and has been decided by this Court in earlier Judgments in *Sheila Puri v. MCD*, 1985 (9) DRJ 180 and *Sushma Nayar v. Managing Committee, Delhi Public School Mathura Road*, 2009 VII AD (DELHI) 146.

The above said two decisions were relied upon by a Division Bench of this Court in WP(C) No.4703/2011, *Dharam Singh v. The Chief Secretary & Ors.* vide Judgment/Order dated 8th July, 2011.

The basic principle that has been settled in the aforesaid decisions is that the Notification refers to automatic re-employment of a retiring teacher up to PGT level and that the said teacher does not cease to be a teacher merely because he also happens to hold the post of a Vice Principal or a Principal.

In the circumstances the present Petitions are allowed and a mandamus is issued to the Respondents directing that the Petitioners shall be entitled to benefit of the Notification dated 29th January, 2007 of automatic re-employment for a period of two years subject to the terms and conditions as set out in the Notification.

With the above directions the Writ Petitions are disposed of.



SIDDHARTH MRIDUL, J.

NOVEMBER 21, 2011

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