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2, 3, 4, 9, 10, 12 and 13

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

\+ W.P.(C) 1119/2011

MEENA SINGH ..... Petitioner

Through: Ms. Indrani Ghosh, Advocate.

versus

DIRECTOR OF EDUCATION & ANR. ..... Respondents

Through: Mr. Sumit Chander, proxy counsel for respondent No.1.
Mr. Sahil Mehrotra, Advocate for respondent No.2.

\+ W.P.(C) 1422/2011

HEMANT KUMAR SINGH ..... Petitioner

Through: Ms. Indrani Ghosh, Advocate.

versus

DIRECTOR OF EDUCATION AND ANR ..... Respondents

Through: Ms. Sangeeta Sondhi, Advocate for respondent No.1.
Mr. Sahil Mehrotra, Advocate for respondent No.2.

\+ W.P.(C) 3896/2011

LEENA LAKHANPAL ..... Petitioner

Through: Ms. Indrani Ghosh, Advocate.

versus

DIRECTOR OF EDUCATION AND ANR ..... Respondents

Through: Mr. S.Q. Karim, Advocate for respondent No.1.
Mr. Romy Chacko, Advocate for respondent No.2.

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By:AMULYA

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+ W.P.(C) 7232/2012

JALAJ SHARMA ..... Petitioner
Through: Ms. Indrani Ghosh, Advocate.

versus

DIRECTOR OF EDUCATIOIN AND ANR ..... Respondents
Through: Ms. Ferida Satarawala Chopra, Advocate for respondent No.1.
Mr. Sahil Mehrota, Advocate for respondent No.2.

+ W.P.(C) 7445/2012

GEETALI DHAR CHOWDHURY ..... Petitioner
Through: Ms. Indrani Ghosh, Advocate.

versus

KALKA PUBLIC SCHOOL MANAGING COMMITTEE & ANR
..... Respondents
Through: Mr. Sahil Mehrotra, Advocate for respondent No.1.
Mr. Gautam Gupta, Advocate for respondent No.2.

+ W.P.(C) 2617/2011

ROHINI NAYYAR & ORS. ..... Petitioners
Through: Ms. Indrani Ghosh, Advocate.

versus

DIRECTOR OF EDUCATION & ORS. ..... Respondents

Through: Mr. Sumit Chander, Advocate for respondent No.1.
Ms. Shilpa Singh, Advocate for respondent Nos.2 and 3.

\+ W.P.(C) 4048/2011

VEENA KUMAR ..... Petitioner

Through: Ms. Indrani Ghosh, Advocate.

versus

DIRECTOR OF EDUCATION AND ORS ..... Respondents

Through: Mr. Sushil Dutt Salwan, Advocate for respondent No.1.
Ms. Shilpa Singh, Advocate for respondent Nos.2 and 3.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% 04.07.2013

1. In this bunch of cases the basic issue is compliance of Section 10(1) of the Delhi School Education Act, 1973 (hereinafter referred to as 'the Act') by the concerned schools which are some of the respondents in these cases. The application of Section 10(1) is qua different facets i.e whether with respect to a particular month's salary or with respect to arrears thereof or with respect to implementation of the Sixth Pay Commission Report's recommendations as directed by the Director of Education vide its order dated 11.2.2009 and so on and so forth. In sum and substance

Section 10(1) by its statutory mandate requires the same to be complied with by all the recognized schools in Delhi by giving benefits to teachers/employees of private schools the same benefit given to equivalent employees in Government schools.

2. Counsel for the petitioners has drawn my attention to an order dated 20.11.2007 passed in W.P.(C) No.4195/2007 and which reads as under:-

> "The present writ petition has been filed by the petitioner praying inter alia for various directions to the respondents including orders directing respondent Nos.1 and 2 to grant the petitioner all the benefits under the rule, i.e., seniority, promotion, Leave Travel Allowance, reimbursement for extra work done and arrears of salaries, etc.
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> In view of various contentious issues involved and the factual position that needs to be examined in this case, it would be appropriate to direct the petitioner to make a substantive representation to respondent No.4 raising all the grievances that she has against respondent Nos.1 and 2, including those, subject matter of the present petition. The said representation shall be made by the petitioner within a period of six weeks. The said representation, when made, shall be considered by respondent No.4, who shall fix a date of hearing on which date, the petitioner as also respondent Nos.1 and 2 shall be present and/or be represented.
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> After granting hearing to the parties, respondent No.4 shall pass a speaking order within four weeks under written intimation to the petitioner as also respondent Nos.1 and 2. In case, the petitioner is left with any grievance thereafter, she is at liberty to seek redressal as per law.

Till the aforesaid representation is disposed of by respondent No.4, the status-quo order dated 29.5.2007 shall continue to operate. Respondent Nos.1 and 2 are also directed to continue paying the petitioner her salary through crossed non-negotiable cheques only.

In terms of the aforesaid order, writ petition is disposed of along with the pending application.

A copy of this order be given DASTI to counsel for respondent No.4.

3. It is the Director of Education who would be better equipped to go into the accounting/mathematics/amounts and payments in terms of Section 10(1) of the Act.

4. In view of the order passed in W.P.(C) No.4195/2007 and which has been reproduced above, these writ petitions are therefore disposed of with the following directions:-

(i) Each of the petitioners will make detailed representations to the Director of Education within a period of six weeks from today specifying what is their entitlement, how much of their entitlement they have received or not received as the case may be, amounts/figures with respect to the dues claimed and how the same are claimed shall be mentioned, whatever payments have been received will also be mentioned, what is the balance which is payable and which legally ought to have been paid but is not paid

will also be stated with clarity in the representations.

(ii) The Director of Education on receipt of these representations will within a period of four weeks thereafter issue notices to each of the concerned schools for giving their written response to the representations given by the petitioners.

(iii) Director of Education or his nominee will thereafter pass speaking orders as to whether the schools have complied with the requirements of Section 10(1) and the notification dated 11.2.2009 for implementation of the report of the Sixth Pay Commission. The orders of the Director of Education or his nominee will contain detailed facts and figures with respect to the period in question and the amounts claimed by the respective parties and if any amount is still payable as claimed by the petitioners then how such amounts have become due. Speaking orders will be passed within a period of four months from today.

(iv) Director of Education or his nominee will give personal hearing to the parties or their representatives (including Advocates) before passing the speaking orders.

5. Writ petitions are disposed of with liberty to any of the parties

to approach the Court in case of any grievance subsisting after passing of the orders by the Director of Education.

VALMIKI J. MEHTA, J

JULY 04, 2013
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