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

+ W.P.(C) 10597/2016 and C.M. No.46797/2016 (under Order 6 Rule 17 CPC by petitioner)

PRABIR KUMAR SAHA

..... Petitioner

Through: Mr. Niloy Dasgupta, Advocate.
versus

DIRECTOR OF EDUCATION THROUGH DY. DIRECTOR
EDUCATION & ANR Respondents

Through: Mr. Rajtilak Guha Roy, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **20.12.2016**

1. When in a writ petition reliefs are claimed for a particular pay scale or MACP benefits etc etc, then, the writ petition must contain the foundational facts justifying/entitling the petitioner to seek the reliefs. Foundational facts are the essential averments which result in a legal cause of action for grant of reliefs. Factual matrix with respect to legal cause of action for the reliefs claimed are not found in the writ petition or in the application for amendment which is now filed.

2. In view of the above, while allowing this writ petition to be dismissed as withdrawn, liberty is given to the petitioner to file a writ

petition in which the writ petitioner must ensure that all the necessary facts constituting complete cause of action are stated with each head of reliefs which are claimed.

3. Petition is disposed of in terms of aforesaid observations.

VALMIKI J. MEHTA, J

DECEMBER 20, 2016

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