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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 11818/2016 and C.M. Appl. No. 46614/2016 (for stay)

VIJAY KUMAR

..... Petitioner

Through: Mr. I.S. Bakshi, Advocate.

versus

MANAGEMENT OF GURU HARKRISHAN
PUBLIC SCHOOL AND ORS

..... Respondents

Through: Mr. Jasmeet Singh, Advocate for R-1
and 2.

Mr. Santosh Kumar Tripathi, ASC
with Mr. Rizwan, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% 19.12.2016

C.M. Appl. No. 46615/2016 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 11818/2016

1. This writ petition is not maintainable because petitioner challenges termination of services and accordingly as per Section 8(3) of the Delhi School Education Act, 1973 appeal lies with the Delhi School Tribunal and so made clear by the judgment of the Supreme Court in the case of *Shashi Gaur Vs. NCT of Delhi and Others* (2001) 10 SCC 445.

2. At this stage, counsel for the petitioner says that instead of dismissing the petition, since limitation is involved, this petition be treated as an appeal before the Delhi School Tribunal for being taken as filed before the Delhi School Tribunal on the date when this petition was filed in this Court and to which there is no opposition on behalf of the respondents, and accordingly, this petition is transferred for decision to the Delhi School Tribunal.

3. Parties to appear before the Delhi School Tribunal on 6th January, 2017. Registry to ensure that file of this petition is made available with Delhi School Tribunal on the date fixed.

VALMIKI J. MEHTA, J

DECEMBER 19, 2016

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