

\$~5

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ LPA 45/2017

ABDUL RAHMAN Appellant

Through: Mr Piyush Sharma, Adv.

versus

DIRECTOR OF EDUCATION & ORS Respondents

Through: Mr Gautam Narayan, ASC and Mr R.A.

Iyer, Adv. for respondent Nos. 1 and 2

Mr Faisal Zafar Asim, Adv for respondent No.3

Mr Pradeep Kaushik from LIA Zone 27, Jhandewalan,
New Delhi (Department)

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **19.12.2017**

The solitary issue that is canvassed before us, at this juncture on behalf of the appellant is whether the learned Single Judge, whilst rendering the impugned judgment dated 06.12.2016 fell into error in dismissing the writ petition in terms of the ratio of a judgment of a Division Bench of this Court in LPA No.592/2013 titled as “*M.I. Hussain and Anr. vs. Director of Education and Anr.*”, inasmuch as, the said decision was not attracted to the facts of the present case.

In this behalf, our attention has also been invited to a decision of another Division Bench of this Court in LPA No. 712/2016 titled as “*Ved Prakash vs. Govt. of NCT of Delhi & Ors.*” where the decision in *M.I. Hussain (supra)* has been distinguished as not being applicable to re-employment of teachers and their entitlement to “prescribed benefits” under Section 10 of the Delhi School Education Act, 1973 (hereinafter

referred to as the 'said Act'.

It is an admitted position that the present proceedings relate to a teacher and would be governed by the relevant provisions of the said Act.

In view of the foregoing, in terms of the decision of this Court in *Ved Prakash (supra)*, without examining the case on merits, the impugned judgment dated 06.12.2016 is hereby set aside/quashed and the matter is remanded back for adjudication afresh by the learned Single Judge.

The writ petition being W.P.(C) No.12026/2015 be listed before the learned Single Judge on 22.01.2018 for directions and for further proceedings, in accordance with law.

The appeal is allowed and disposed off in the above terms.

SIDDHARTH MRIDUL, J

DEEPA SHARMA, J

DECEMBER 19, 2017

bg