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

+ **W.P.(C) 12558/2004**

SH. N.B. TIWARI

..... Petitioner

Through: Mr. Birendra Mishra, Advocate with
Ms. Poonam, Advocate.

versus

KALKA PUBLIC SCHOOL & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **18.01.2017**

1. Petitioner challenges the termination of his services from the respondent no.1-school. In view of the ratio of the judgment of the Supreme Court in the case of *Shashi Gaur Vs. NCT of Delhi and Ors. (2001) 10 SCC 445* the issue with respect to termination of services of the petitioner, whether legally valid or not including as to whether petitioner has resigned or not, will have to be examined by the Delhi School Tribunal (DST) in view of Section 8(3) of the Delhi School Education Act, 1973.

2. At this stage, instead of dismissing the petition, at the request made on behalf of the petitioner, this petition is treated as an appeal filed before the DST on the date this writ petition was filed in this Court and this

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petition is transferred to the DST for decision as an appeal filed before the DST.

3. Parties to appear before the DST on 28th February, 2017 and the DST after issuing notices to the parties will hear and dispose of the matter in accordance with law. Registry will ensure that file of this case is made available to the DST on 28.2.2017.

VALMIKI J. MEHTA, J

JANUARY 18, 2017

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