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

+ W.P.(C) 17344/2004

ABDUL MALIK

..... Petitioner

Through: Mr. Ashish Nischal, Advocate with
Mr. Arun Nischal, Advocate.

versus

DIRECTORATE OF EDUCATION & ORS. Respondents

Through: Mr. Santosh Kumar Tripathy, ASC
with Mr. Rizwan, Advocate for
respondent No.1.
Mr. Pradeep Kaushik, L.A. Zone-27
in person.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **10.01.2017**

1. On 20.1.2014, a learned Single Judge of this Court passed the following order:-

“1. Mr. Siddiqui has come back with instructions. He says that in so far as respondent no.2 is concerned, the matter could be settled with the petitioner on the following lines:-

(i). Respondent no.2 would take up the petitioner's case with the Managing Committee for regularising the period during which the petitioner officiated as Vice-Principal; the period in issue being 01.08.2007 to 31.03.2010.

(ii). On the Managing Committee accepting the proposal of respondent no.2, to regularise the period of officiation, respondent no.2 shall release 5% of the amount in issue to the petitioner; which of

course would be routed through the respondent no.1.

(iii). Respondent no.2, shall include in its proposal, a suggestion that the Managing Committee should make a suitable recommendation to respondent no.1, for release of the balance 95% of the dues commensurate with its acceptance of the proposal to regularise the aforementioned period of officiation.

2. Mr. Dubey is agreeable to such a methodology being followed.

2.1 Mr. Dubey says that if this proposal goes through, he will not press his relief for promotion to the post of Principal, in view of the fact that the petitioner, has already retired from service.

3. On the next date of hearing, Mr. Siddiqui will revert to the court as to the exact state of events and place on record the relevant documents, if necessary.

4. Since Mr. Siddiqui says that the aforementioned exercise would take a minimum of 4-5 weeks, this writ petition will not be taken up for hearing till 31.03.2014. It is, however, directed that the matter will retain its position on the regular board.”

2. Even today, counsel for the petitioner states that the original relief of being appointed as a Principal of the respondent no.2-school as per the DPC dated 23.4.2004 is not being pressed, but, petitioner only seeks the relief in the changed circumstances of being confirmed in the post of Principal from 1.8.2007 to 31.3.2010. Petitioner could be confirmed in the post of the Principal in which the petitioner was working as an officiating Principal, provided petitioner was the only person in the school who had the eligibility criteria for being appointed as the Principal i.e the petitioner will

be the sole person who satisfies the eligibility criteria for being appointed as the Principal of the respondent no.2-school.

3. It is agreed and accordingly the order dated 20.1.2014 reproduced above is to be treated as a representation by the petitioner to the respondent no.1, and the respondent no.1 will examine on merits the case of the petitioner if the petitioner could have been regularized in his services of an officiating Principal to a Principal for the period from 1.8.2007 to 31.3.2010. Speaking order in this regard will be passed by the Director of Education or his nominee after giving personal hearing to the petitioner and which speaking order will be communicated to the petitioner.

4. Writ petition is accordingly disposed of with the aforesaid observations.

VALMIKI J. MEHTA, J

JANUARY 10, 2017

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