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

+ **W.P.(C) 7394/2002**

SHOBHA SHARMA

..... Petitioner

Through: None.

versus

NAV BHARTI SCHOOL & ANR.

..... Respondents

Through: Mr. Rajat Arora, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **08.03.2017**

1. Petitioner impugns the order of dismissal from services passed by the respondent no.2/Nav Bharti Junior School. Orders of dismissal of employees of schools are challenged by means of appeal filed under Section 8(3) of the Delhi School Education Act, 1973 read with the ratio of the judgment of the Supreme Court in the case of *Shashi Gaur Vs. NCT of Delhi (2001) 10 SCC 445*.

2. Counsel for the respondents informs that earlier an appeal filed by the petitioner was dismissed on the ground that respondent no.2/school was an unrecognized school, however, it is seen that issue is now settled that appeal against an order of dismissal passed by an unrecognized school also

lies before the Delhi School Tribunal (DST). This aspect has been considered and decided by me in the judgment in the case of ***Smt. Praveen Bhatnagar Vs. Sanjivayya Memorial Trust, New Delhi (Regd.) & Ors.*** in W.P.(C) No.7596/2014 decided on 12.7.2016.

3. Accordingly, appeal will lie to the DST against the order of dismissal passed by the unrecognized school. Since this is an old writ petition of the year 2002, instead of dismissing the petition, this petition is transferred to the DST and the DST will treat this petition as an appeal filed before it on the date when this writ petition was filed in this Court. Keeping in view that this matter is an old matter pertaining to the year 2002, DST is requested to expedite the disposal of the case.

4. Parties to appear before the DST on 19th April, 2017. Registry to ensure that file of this case is available to the DST on the date fixed.

VALMIKI J. MEHTA, J

MARCH 08, 2017

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