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

+ **W.P.(C) 2578/2005**

USHA HANDA

..... Petitioner

Through: None.

versus

DIRECTOR OF EDUCATION AND ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **18.01.2017**

1. By this writ petition, the petitioner impugns the order dated 24.12.2004 passed by the Director of Education declaring the petitioner to be surplus with the respondent no.2/Swami Sivananda Memorial Secondary School and adjusting her services for being continued with M/s Kasturba Balika Vidyalaya, Ishwar Nagar as TGT (Home Science).

2. The case of the petitioner is that she was appointed to the respondent no.2/school pursuant to the advertisement for TGT (Science). Petitioner claims that she was given appointment letter dated 28.3.1973 appointing her to the post of TGT Grade Science w.e.f 1.4.1973. Petitioner

claims that she has been teaching Science subjects, and therefore, the respondent no.1 has committed an illegality in taking the petitioner as a TGT in Home Science in view of the letter dated 5.9.1974 of the respondent no.1/Director of Education.

3. Petitioner refers to an earlier writ petition being CWP No.3991/1992 wherein the petitioner claims that she was appointed not as TGT (Home Science) but as TGT (Science) by the respondent no.2/school but this writ petition was dismissed by a learned Single Judge of this Court vide judgment dated 7.2.2001 and which judgment is challenged by the petitioner in LPA No.121/2001. Accordingly, the petitioner has filed this writ petition challenging the impugned order dated 24.12.2004 passed by the respondent no.1 and asking the respondent no.1 to adjust the petitioner against the vacancy of TGT (Science) in the respondent no.2/school.

4. In view of the fact that the issue as to whether the petitioner was to be continued in services as a TGT(Home Science) or as TGT (Science) only, and since this issue was before a Division Bench of this Court in LPA No.121/2001, and since no one appears for the Parties, I have examined the judgment which is passed by the Division Bench of this Court

on 15.2.2008 in LPA No.121/2001 titled as ***Ms. Usha Handa Vs. The Lt. Governor, NCT of Delhi & Ors.*** dismissing the appeal and holding the petitioner to be appointed only as TGT (Home Science) and which position had become final in terms of the letter dated 16.11.1974 of the Director of Education.

5. At this stage, Mr. Ashok Aggarwal, Advocate appears for the petitioner and states that since this matter is very old, he has instructions not to press the present petition.

6. In view of the above, the writ petition is disposed of as not pressed.

VALMIKI J. MEHTA, J

JANUARY 18, 2017

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