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

+ W.P.(C) 4305/2008

S.L. ARORA

..... Petitioner

Through: Mr. Vaibhav Kalra, Advocate.

versus

THE DIRECTOR, DIRECTORATE OF EDUCATION AND ORS.

..... Respondents

Through: Mr. Peeyoosh Kalra, ASC with Ms.
Sana Babbar, Advocate for
respondent Nos.1,2 and 3.
Ms. Romy Chacko, Advocate with
Mr. Varun Mudgal, Advocate for
respondent nos.4 and 5.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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31.01.2017

1. Petitioner by this writ petition had sought the relief of being appointed as a Principal in the respondent no.4/school.

2. The law with respect to entitlement of a school to appoint a Principal is now well settled, inasmuch as post of Principal is a selection post, with the law being that the school has an absolute right to appoint a person as Principal subject to a person meeting the necessary qualifying

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criteria. Petitioner has not been selected and the respondent no.5 in this petition was selected. Petitioner therefore cannot legally have any grievance in view of two Division Bench judgments of this Court in the cases of ***St. Anthony's Girls Sen. Sec. School and Ors. Vs. The Govt. of N.C.T. of Delhi and Ors. 2008 (106) DRJ 935*** and ***Queen Mary's School Thru Its Principal Vs. U.O.I. 185 (2011) DLT 168.***

3. Learned counsel for the petitioner, on instructions from the petitioner, states that petitioner has otherwise retired, and therefore, the maximum entitlement of the petitioner will be to a pay scale of a Principal, and which petitioner already has received in terms of an ACP scheme, and therefore, today the grievance of the petitioner is limited to the fact that school has till date not released all the service benefits to the petitioner as per the service record of the petitioner with the respondent no.4/school.

4. Learned counsel for the respondent nos.4/school states that if the petitioner has already not been paid the service benefits as per the service record of the petitioner with respondent no.4/school, then, the papers of the petitioner will be positively processed within a period of eight weeks from today, and the necessary payments in this regard will thereafter be

sought from the Director of Education/respondent nos.1 to 3. Respondent nos.1 to 3 are directed to ensure that necessary papers are processed within a period of one month of receipt of the same by the Director of Education and the payments due to the petitioner to the extent of 95% payable by the Director of Education as an aid to the respondent no.4/school will be disbursed/paid/sent by the Director of Education to the respondent no.4/school within one month of processing of papers by the Director of Education. The Director of Education, if the need arises, will hear the petitioner in case there is some issue with respect to the entitlement of the petitioner to the appropriate service benefits. Respondent nos.1 to 4 are directed to ensure that the aforesaid process be completed in the timeline as stated above as petitioner is a retired employee and payment of whose service benefits should not be delayed.

5. Writ petition is disposed of in terms of aforesaid observations.

VALMIKI J. MEHTA, J

JANUARY 31, 2017

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