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

+ **W.P.(C) 5279/2010**

RADHIKA SHARMA

..... Petitioner

Through: None.

versus

DIRECTOR OF EDUCATION AND ORS.

..... Respondents

Through: Mr. Sanjoy Ghose, ASC for GNCTD
with Dr. V.R.Verma, DEO Z-25.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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21.02.2017

1. This writ petition is filed by the petitioner challenging the order of the Director of Education dated 17.6.2010 terminating her services with the respondent no. 3/school. Termination of services is by an order of the respondent no. 1/Director of Education cancelling the appointment of the petitioner with the respondent no. 3/school, therefore, there is termination of services of the petitioner by the impugned order.

2. Any order by which an employee is terminated from services with the school in Delhi has to be challenged because of Section 8(3) of the Delhi School Education Act, 1973, before the Delhi School Tribunal and so held by the Supreme Court in the judgment in the case of *Shashi Gaur Vs. NCT of Delhi, (2001) 10 SCC 445*.

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3. In view of the aforesaid decision and since this writ petition is pending in this Court for a long time, instead of dismissing this petition, the same is treated as an appeal filed by the petitioner before the Delhi School Tribunal and the date of filing of the appeal will be taken as the date when this writ petition was filed in this Court.

4. Parties to appear before the Delhi School Tribunal on 23rd March, 2017 and the Delhi School Tribunal will decide this matter as an appeal filed before it, in accordance with law. Registry to ensure that file of this case is made available to the Delhi School Tribunal on the date fixed.

VALMIKI J. MEHTA, J

FEBRUARY 21, 2017

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