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

+ W.P.(C) 5757/2016 and C.M. No.23727/2016 (stay)

VANDANA RANA

..... Petitioner

Through: Mr. M.A. Niyazi, Advocate with Ms.
Anamika Ghai Niyazi, Advocate and
Ms. Kirti Jaswal, Advocate.

versus

DIRECTORATE OF EDUCATION & ORS

..... Respondents

Through: Mr. Anuj Aggarwal, ASC with Ms.
Niti Jain, Advocate for respondent
No.1.
Ms. Kiran Singh, Advocate with Mr.
Mahesh Sharma, Advocate for
respondent Nos.2 and 3.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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02.02.2017

1. The petitioner by this writ petition is seeking the relief of making his ad hoc/contractual appointment as permanent with the respondent no.3/Army Public School, Sadar Bazar Road Branch, Delhi Cantt-10 by relying upon the ratio of the judgment delivered by this Court in three connected cases with lead case being *Army Public School and Anr. Vs. Narendra Singh Nain and Anr.* in W.P.(C) No.1439/2013 decided on

W.P.(C) No.5757/2016

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30.8.2013. The judgment in the case of *Army Public School and Anr. (supra)* was taken in challenge to a Division Bench of this Court and the Division Bench of this Court vide judgment dated 29.10.2015 in bunch of LPAs with lead LPA No.223/2015, dismissed the appeal filed by Army Welfare Education Society. The schools run by the Army Welfare Education Society in the judgment dated 29.10.2015 includes the respondent no.3/school. The Army Welfare Education Society challenged the judgment of the Division Bench of this Court dated 29.10.2015 by filing an SLP, and which SLP(C) No.3609/2016 was dismissed by the Supreme Court in *limine* vide its order dated 12.2.2016.

2. Learned counsel for the respondent no.3 could not dispute that accordingly petitioner has to get the benefit of the judgment delivered by this Court in the case of *Army Public School and Anr. (supra)* and later judgment of this Court in the case titled as *Renu Barrot Vs. The Directorate of Education & Ors.* in W.P.(C) No.6180/2013 decided on 27.4.2015 inasmuch as petitioner has worked with the respondent no.3/school as a Library Attendant in terms of various appointment letters describing the petitioner as a Library Attendant. It is clarified that though in the writ

petition, petitioner claims to be a Junior Librarian, in view of consistent appointment letters of the petitioner being appointed as Library Attendant, petitioner today only seeks the relief of being regularized and made permanent against the post of Library Attendant.

3. In view of the above facts, the petitioner will be treated as being a regular and permanent employee on completion of period of three years from the date of his appointment of the petitioner with the respondent no.3/school. The date of first appointment of the petitioner with the respondent no.3/school is 9.7.2007 i.e petitioner will become a permanent employee of the respondent no.3 from 9.7.2010. It is further clarified that petitioner having become permanent employee of the respondent no.3 w.e.f 9.7.2010, she should since this date get service benefits in terms of Section 10 of the Delhi School Education Act, 1973 i.e petitioner must get monetary benefits equal to a government teacher/employee on the same post of the petitioner being a Library Attendant, however, since law of limitation applies to a writ petition in view of the judgment of the Supreme Court in the case of *State of Orissa and Another Vs. Mamta Mohanty (2011) 3 SCC 436*, petitioner no doubt will be entitled to the same pay scale and same

monetary benefits payable to the Library Attendant in a government school or government aided school, except the fact that such monetary benefits will be payable to the petitioner prospectively from the date three years before filing of the writ petition on 28.6.2016. To clarify further, w.e.f 28.6.2013, and not before, petitioner will be entitled to monetary emoluments and benefits as payable to a Library Attendant or a person having appointed to a similar type of post with qualifications of the petitioner in a government school or government aided school. Petitioner's services however for the purpose of subsequent service benefits will be taken as petitioner having been confirmed w.e.f 9.7.2010 and as regards his future promotion or MACP benefits or pensionary benefits or any other benefits as payable on account of number of years of services of the petitioner with the respondent no.3/school.

4. In view of the above, this writ petition is allowed making the petitioner permanent in her services w.e.f 9.7.2010 noting that petitioner's first appointment commenced from 9.7.2007, with the further relief to the petitioner that prospectively from 28.6.2013 petitioner will get all monetary benefits payable to an equivalent or roughly equivalent positioned employee

in a government school or government aided school. Petitioner's services however will in accordance with law be treated as having been confirmed from 9.7.2010 and with the period of services being taken as per law, if so required, from 9.7.2007. Respondent no.3 will now calculate the monetary emoluments which would be payable to the petitioner taking the qualification of the petitioner as compared to similarly qualified persons/employees/teachers employed in posts in a government school or government aided school and such monetary benefits from 28.6.2013 will be paid by the respondent no.3 to the petitioner within a period of three months from today.

5. Writ petition is accordingly allowed and disposed of with the aforesaid observations.

VALMIKI J. MEHTA, J

FEBRUARY 02, 2017

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