

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

+ **W.P.(C) No.7733/2013 & conn. matters**

% **21st March, 2017**

1. **W.P. (C) No.7733/2013**

CHAIRMAN, MANAGING COMMITTEE BHAI BIBA SINGH KHALSA
SR. SECONDARY SCHOOL Petitioner

Through: None.

versus

DIRECTOR OF EDUCATION, GOVT OF NCT OF DELHI

.... Respondent

Through: Mr. Peeyosh Kalra, ASC with Ms.
Sona Babbar, Advocate.
Mr. Pramod Kumar, DDE, Zone-
16.

2. **W.P. (C) No. 7942/2013**

MRS. AMAN BINDRA Petitioner

Through: Mr. M. Atyab Siddiqui, Advocate
with Ms. Tibah Siddiqui,
Advocate.

versus

DIRECTOR OF EDUCATION, GOVT OF NCT OF DELHI & ANR.

.... Respondents

Through: Mr. Peeyosh Kalra, ASC with Ms.
Sona Babbar, Advocate.
Mr. Pramod Kumar, DDE, Zone-
16.

3. **W.P.(C) No. 8052/2013**

MS.PARVINDER KAUR Petitioner

Through: Mr. M. Atyab Siddiqui, Advocate
with Ms. Tibah Siddiqui,
Advocate.

versus

DIRECTORATE OF EDUCATION, GOVT OF NCT OF DELHI & ANR.

.... Respondents

Through: Mr. Peeyosh Kalra, ASC with Ms.
Sona Babbar, Advocate.
Mr. Pramod Kumar, DDE, Zone-
16.

4. **W.P. (C) No.8054 /2013**

MRS. AMRITA KAUR

..... Petitioner

Through: Mr. M. Atyab Siddiqui, Advocate
with Ms. Tibah Siddiqui,
Advocate.

versus

DIRECTOR OF EDUCATION, GOVT OF NCT OF DELHI & ANR.

.... Respondents

Through: Mr. Peeyosh Kalra, ASC with Ms.
Sona Babbar, Advocate.
Mr. Pramod Kumar, DDE, Zone-
16.

5. **W.P.(C) No.8059/2013**

MRS. MANPREET KAUR

..... Petitioner

Through: Mr. M. Atyab Siddiqui, Advocate
with Ms. Tibah Siddiqui,
Advocate.

versus

DIRECTOR OF EDUCATION, GOVT OF NCT OF DELHI & ANR.

.... Respondents

Through: Mr. Peeyosh Kalra, ASC with Ms.
Sona Babbar, Advocate.
Mr. Pramod Kumar, DDE, Zone-
16.

6. **W.P.(C) No.8061/2013**

MRS. INPREET KAUR

..... Petitioner

Through: Mr. M. Atyab Siddiqui, Advocate
with Ms. Tibah Siddiqui,
Advocate.

versus

DIRECTOR OF EDUCATION, GOVT OF NCT OF DELHI & ANR.

.... Respondents

Through: Mr. Peeyosh Kalra, ASC with Ms.
Sona Babbar, Advocate.
Mr. Pramod Kumar, DDE, Zone-
16.

7. **W.P. (C) No.8063/2013**

MR. HARPAL SINGH

..... Petitioner

Through: Mr. M. Atyab Siddiqui, Advocate
with Ms. Tibah Siddiqui,
Advocate.

versus

DIRECTOR OF EDUCATION, GOVT OF NCT OF DELHI & ANR.

....Respondents

Through: Mr. Peeyosh Kalra, ASC with Ms.
Sona Babbar, Advocate.
Mr. Pramod Kumar, DDE, Zone-
16.

8. **W.P.(C) No.8125/2013**

MRS. TARANPREET KAUR

..... Petitioner

Through: Mr. M. Atyab Siddiqui, Advocate
with Ms. Tibah Siddiqui,
Advocate.

versus

DIRECTOR OF EDUCATION, GOVT OF NCT OF DELHI & ANR.

.... Respondents

Through: Mr. Peeyosh Kalra, ASC with Ms.
Sona Babbar, Advocate.
Mr. Pramod Kumar, DDE, Zone-
16.

9. **W.P.(C) No.8128/2013**

MRS. SUMEET KAUR

..... Petitioner

Through: Mr. M. Atyab Siddiqui, Advocate
with Ms. Tibah Siddiqui,
Advocate.

versus

DIRECTOR OF EDUCATION, GOVT OF NCT OF DELHI & ANR.

.... Respondents

Through: Mr. Peeyosh Kalra, ASC with Ms.
Sona Babbar, Advocate.
Mr. Pramod Kumar, DDE, Zone-
16.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. These are a total of nine writ petitions. W.P. (C) No. 7733/2013 is filed by the School. The other eight writ petitions are filed by the selected candidates. Under challenge in these petitions is the order of the Director of Education (DOE) dated 15.10.2013 refusing to grant approval to the employment of eight persons as, Principal, Post Graduate Teachers (PGT), Physical Education Teacher (PET), Librarian, and Upper Division Clerk (UDC) with the subject school, namely, Bhai Biba Singh Khalsa Senior Secondary School, the petitioner in W.P. (C) No.7733/2013. Admittedly, the subject school is

a minority school. It is also an aided school with aid being provided by the respondent/DOE.

2. By the impugned order dated 15.10.2013 the respondent/DOE has rejected the appointments of eight persons by observing as under:-

“No.2416-2419

Dated: 15/10/2013

ORDER

1. Whereas clearance to fill up 10 vacant posts as detailed below, by holding the SSC was granted to Bhai Biba Singh Khalsa School on 16.04.2012 with the approval of the Director (Education).

1.	Principal	-	1
2.	V. Principal	-	1
3.	PGTs	-	4
4.	TGT	-	1
5.	PET	-	1
6.	Librarian	-	1
7.	UDC	-	1

2. Whereas SSC was held for selecting candidates to these posts on different dates and subsequently the school applied for release of grant in aid to the selected candidates.

3. Whereas on receipt of the request for release of grant in aid, the matter was examined and various irregularities as detailed below, were pointed out by the Education Officer and Dy. Director of Education noticed in the selection process:

- i. Vacancies were not notified to the employment exchange.
- ii. No record was provided to substantiate as to whether the applications were received by registered post or by hand.
- iii. Proper date wise record in respect of all applications was not maintained.
- iv. No interview letters were issued/sent to the short listed candidates for the post of Principal, PGT (Eco), PGT (Hindi) and UDC. For other posts, interview letters were sent by Speed Post or private courier. However, even in such cases, it was observed that for the post of Librarian the interview letters were not sent to the three candidates. Similarly, in the case of PGT (Eng.) interview letters were not sent to three candidates.
- v. Not providing information/documents to the District Authorities/DE nominees before the interview inspite of repeated requests.
- vi. While granting clearance to fill up the vacant posts, Director of Education had directed that the vacancies must also be advertised in the weekly Employment News/Rozgar Samachar and the same was also

conveyed to the school management by the Dy. Director vide letter No.143 dated 16.04.2012. However, it is observed that the vacancies were not advertised in the Employment News/Rozgar Samachar.

vii. The short listing of candidates was not done rationally and various discrepancies as detailed below, were noticed:-

- a) For PGT (Eco.) at S.N.23 of the rejected list, reason for rejection was written as “No B.Ed” whereas B.Ed marks have been given to the candidates.
- b) For Librarian, 11 candidates were shortlisted and 50 were rejected. Out of the 50 in the latter case, 39 were rejected due to overage but 2 overaged candidates (at S.N.5, 6) were also called for interview.
- c) For PGT (Hindi), five candidates were rejected with the reason “no B.Ed” at S.N.7, 17, 21, 36 and 40 whereas marks for B.Ed were given in the list. In the same list, two candidates (at S.N.8 and 11) were rejected assigning the reason “non MA” whereas marks for MA were given in the list. In the same list, two candidates at S.N.41 and 58 were rejected without indicating the specific reason of rejection.
- d) For PGT Pol Sc. At S. N.2 in the rejected list, the reason given is “overage” but he was not overaged as his date of birth is 1.6.1976 whereas cutoff date is 28.5.1976. In the same list, at S.N.5 marks for MA have been given whereas reason for rejection is written as “result detailed by Univ”.
- e) For PET, at S.N.15 of the list of rejected candidates, reason of rejection given is “only XII Pass” whereas marks for B.A. and B.P.Ed. have been given to him in the list. Similarly, S.N.17, 20 and 21 have been rejected with the reason as “not B.P.Ed.” whereas marks for B.P.Ed have been given to these candidates.

4. And whereas SSC was not held for the post of TGT (Eng.) because it was found by the Education Officer that while seeking clearance the Managing Committee had concealed the fact that one person out of feeder cadre was eligible for promotion to this post. SSC for the post of V. Principal too had to be kept in abeyance because it was a promotional post.

5. And whereas advice of the Law Department, GNCT of Delhi was sought on the issue as to whether the appointments made by Bhai Biba Singh Khalsa Sr. Sec. School, though being a minority school, can be rejected because the Managing Committee did not follow the administrative procedures, as laid down by the Dte. of Education through various circulars, which were issued for the sake of making the process of selection fair, objective, non-discriminatory and transparent.

6. And whereas the Law Department, GNCT of Delhi, has opined as under:-

“any infirmity in the recruitment process should not be allowed as it would affect the prospects of eligible candidates. As held by the Supreme Court, the minority managements have the right to administer their institutions, but this right implies obligation and duty of the minority institutions to render the very best to the students & in the light of administration, checks & balance in safe of regulatory measures are required to ensure the appointment of good teachers and their conditions of service.”

7. And whereas, Rule 64(1)(a) of DSEAR, 1973 provides that the managing committee of an aided school “shall comply with the provisions of the Act and these rules.”

8. And whereas, Rule 96 of DSEAR, 1973 is a regulatory measure to ensure the fair selection without encroaching upon the rights of Minority Institutions guaranteed under Article 30(1) of the Constitution of India. The Hon’ble Supreme Court in Ahmadabad & St. Xavier’s College Society Vs. State of Gujarat AIR 1974 SC 1389 has held that “**the right conferred on the religious and linguistic minority to administer educational institutions of their choice is not an absolute right**”.

9. And whereas, the Hon’ble Supreme Court in Kerala Education Bill AIR 1978 SC 956 had also held that “**the right to administer an educational institution of their choice by a minority cannot mean a right to mal-administration**”.

10. And now, therefore, in view of the glaring discrepancies mentioned above which create serious doubts in r/o the transparency of the entire selection procedure adopted by the management, Rule 64(1)(a) and 96 of the DSEAR-1973, **advice of the Law Department** and various court judgments, I hereby order as under:-

- i. All the appointments made through direct recruitment in response to the clearance issued vide letter dated 16/04/2012 are rejected.
- ii. The Manager/Chairman of the school is warned to be careful in future with regard to the shortcomings/procedural lapse in the recruitment process and is also directed to ensure strict compliance of the provisions of the DSEAR, 1973 and guidelines issued by the Directorate of Education from time to time so that the students get nothing but the best and most qualified teachers to teach.

Sd/-
(Amit Singla)
Director (Education)

Copy to:-

1. Spl. D.E.(Act-II), Directorate of Education, Old Secretariat, Delhi.
2. DDE (W-A) with the directions to get the copy of the order served on the school authorities against proper acknowledgment and to ensure proper compliance of the order.
3. Chairman/Managing Committee/Principal of Bhai Biba Singh Khalsa Sr. Sec. School, Moti Nagar, New Delhi.
4. OS(IT) with the direction to upload the order on the website.

Sd/-
(USHA SAINI)
DY. EDUCATION OFFICER (ACT-II)”

3. If any person gives a first reading of the impugned order dated 15.10.2013 it would appear that the respondent/DOE has taken great pains to arrive at various conclusions with respect to the stated

illegalities in the selection process, however, a deeper examination shows that the objections raised by the respondent/DOE are a case of “much ado about nothing”. In Hindi the expression would be “*khoda paharh nikli chuhiya*”. Why I used these expressions will become clear from the subsequent paragraphs of this judgment.

4. Firstly, it must be noted that the total number of appointments which were to take place as per the selection process were ten in number, and as stated in para 1 of the impugned order dated 15.10.2013, however, the admitted position is that the post at serial number 2 of Vice-Principal was not filled and also the post at serial number 4 of TGT was not filled in, i.e we are left with one post of Principal, four posts of PGTs, one post of PET, one post of Librarian and one post of UDC i.e a total of eight appointments. The issue is with regard to the validity of selection of these eight persons who are the petitioners in the eight writ petitions.

5. I may also note that the factual position is that at the time when selection process was carried out for appointment of the subject eight persons, the petitioner/school was hopelessly under staffed as there was only one peon and one teacher in the petitioner/school. Petitioner/school has students who are completely underprivileged, and no fees are charged from such students by the petitioner/school.

6. Let me now take up and examine each of the objections raised on behalf of the respondent/DOE, and which are those as stated in para 3 of the impugned order of the respondent/DOE dated 15.10.2013.

7. (i) The first ground for denying approval to the selection is that vacancies were not notified in the Employment News. This the respondent/DOE argues on the basis of its letter dated 16.4.2012 which gave approval for filling in all the subject posts and which put the condition of giving advertisement in the Employment News besides insertion of advertisements in two newspapers, one of them in a Hindi edition.

(ii) No doubt requirement as per the letter of the respondent/DOE dated 16.4.2012 was that besides advertisement in two daily newspapers one of which must be a Hindi edition, vacancies must also be advertised in the Employment News, however, it is seen that the petitioner/school had by its letter dated 10.5.2012 applied to the Employment News but this newspaper did not publish the advertisement, and which as per the petitioner/school is because the Employment News only publishes advertisement of persons who are to be employed by the Government or government advertisements, and the petitioner/school is not a Government school. In this regard

petitioner/school has placed reliance upon the letter dated 6.12.2012 issued by the Employment News with respect to another school, and by which letter dated 6.12.2012 the Employment News has clarified that they did not publish the advertisement in Employment News except with respect to government advertisements. Though counsel for the respondent/DOE has argued that the letter dated 6.12.2012 does not pertain to the petitioner/school but this defence in my opinion is frivolous to say the least inasmuch as if the contention of the petitioner/school was not correct that the Employment News only publishes government advertisements, then the respondent/DOE should have filed a letter of the Employment News that petitioner/school in fact never applied to it in terms of the letter dated 10.05.2012 and that Employment News does also publish advertisement for employment and selection process of employees of non-governmental entities, and which has not been done by the respondent/DOE. Accordingly, the stand of the respondent/DOE of the requirement of non-publishing of the advertisement in the Employment News as required by the letter dated 16.4.2012 being a wholly misconceived stand in the facts of the present case, the same is therefore rejected.

8. (i) The second reason given by the respondent/DOE in the impugned order dated 15.10.2013 is that record was not provided to

substantiate whether applications were received by registered post or by hand. Petitioner/school has clarified that the applications from the candidates have been received by hand. I do not find anything strange in the applications being received by the petitioner/school by hand inasmuch as candidates do prefer to ensure that their applications are actually received by hand instead of such application being posted by the candidates. Also as the subsequent facts narrated below will show that almost all the candidates who had applied did in fact appear and therefore it is not as if the applications were not received by hand by the petitioner/school.

(ii) In any case this stand of the respondent/DOE is only a technicality inasmuch as if the intent of the stand of the respondent/DOE is seen, the same would be to ensure wide spread advertisement for employment in the posts and that enough competition must therefore take place among the candidates who are called, and which aspects do exist in the present case because advertisements were published both in the Hindi and English Edition of the widely circulated newspaper Hindustan Times. The aforesaid aspect is to be taken with the fact that for each of the eight posts in question for which interviews were held, multiple number of candidates than the posts in question applied and who also appeared in

the interviews, and that in the selection process/interviews in fact and admittedly the nominees of the respondent/DOE as also the subject experts nominated by the respondent/DOE were present. This second contention of the respondent/DOE being unsound is therefore also rejected.

9. The third stand of the respondent/DOE is that the petitioner/school did not maintain date wise records with respect to the applications. Petitioner/school has however filed this relevant record and which shows that record was duly maintained by the petitioner/school. Of course, dates may not be there in the register, however, considering that the petitioner/school only had one teacher and one peon, I would not like to place too much emphasis on this strict technical stand of the respondent/DOE, inasmuch as, in the interviews for the posts in question, and as stated above, the nominees of the respondent/DOE were present, and also that there was considerable competition as various candidates came for interviews, and that out of various candidates for each of the posts, only one of them for each post were selected. This argument of the respondent/DOE is therefore rejected.

10. At this stage itself, with respect to the various defences of the respondent/DOE which pertain to the record of the

petitioner/school as regards the subject selection process allegedly being not made available to the respondent/DOE, it is noted that this Court passed two orders which show the height of obstinacy and the unfair attitude of the respondent/DOE in the present case. These orders are dated 7.8.2014 and 21.8.2014 and which read as under:-

Order dated 7.08.2014

- “1. Counsels for the parties state that they had appeared before the Mediation Centre on 2.8.2014.
2. Counsel for the respondent states that on the aforesaid date, the petitioners had brought their original records that were desired by the respondent and the officers of the respondent, who were present during mediation, had examined the said records, except for the documents mentioned at (iv) of para 3 of the impugned order dated 15.10.2013. He further states he may be permitted to obtain instructions from the Deputy Director of Education on the aspect of what would be the issue, if any, that will still survive for adjudication by this Court after examining the documents produced by the petitioners.
3. At the request of counsel for the respondent, list on 21st August, 2014.”

Order dated 21.08.2014

- “1. On 17.07.2014, in the course of arguments advanced by the learned counsel for the petitioners, it was submitted that there did not exist any irregularity/discrepancy as pointed out by the respondent/DOE in the impugned order dated 15.10.2013, relating to the eight posts advertised by the petitioner/School in W.P.(C) 7733/2013 and, if at all, some irregularities did exist, they are so trivial that it could not have vitiated the entire procedure adopted by the petitioner/School for filling up the subject posts. In response, Mr. Salwan, learned counsel for the respondent/DOE had stated that if the officers of the petitioner/School are directed to meet the Deputy Director of Education and produce the original records, the matter could perhaps be sorted out at the level itself. As a result, the petitioner/School was directed to appear before the concerned Deputy Director of Education. Meetings did take place between the parties and thereafter, they were directed to meet in the Delhi High Court Mediation and Conciliation Centre for the petitioner/School to produce the records for the perusal of the officers of the respondent/DOE.
2. On the last date of hearing, learned counsel for the respondent/DOE had stated that the officers of the Department had perused the records and he may be permitted to obtain instructions from the Deputy Director of Education.
3. Today, learned counsel for the respondent/DOE states that though the documents called for were produced by the petitioner/School and duly

perused by the officers of the respondent/Department, the respondent is unwilling for a reconciliation and requests that the matters may be decided on merits.

4. It is rather unfortunate that when on a suggestion made on behalf of the respondent/DOE, the petitioner/School was called upon to produce the relevant documents for the perusal of the concerned officers of the respondent Department, for seeking a resolution in the matters and pursuant thereto, the petitioner/School had produced the relevant records for the Department's perusal, the matter remains unresolved for unexplained reasons except for a statement made by learned counsel for the respondent/DOE that the Court may hear and decide the cases on merits. If that was the stand of the respondent/DOE, then there was no good reason for mootng the suggestion made on 17.07.2014 and making the petitioners go through the entire rigmarole of producing voluminous records before the Dy. Director of Education.

5. Be that as it may, in view of the submission made by the counsel for the respondent/DOE, list the matters on 18th September, 2014 at 2.15 P.M., in the category of 'After Notice Misc. Matters' .

6. In the meantime, the parties are directed to file a brief synopsis, not exceeding 3-4 pages alongwith the chronological list of dates and events in respect of each petitioner, the written submissions, and the citations they propose to rely upon, while exchanging copies thereof with each other. A compilation of the relevant documents for ready reference shall also be prepared and kept handy.” (underlining added)

11. It is therefore clear that all the records with respect to the subject selection process were produced by the petitioner/school and have been duly examined by the respondent/DOE but the respondent/DOE after examination of the records has not filed any further affidavit and substantiating proofs along with the affidavit so as to justify the defences taken by the respondent/DOE in its impugned order dated 15.10.2013. Therefore, this Court has to draw a concluded conclusion that records of the petitioner/school in fact show that none of the defences, as regards unavailable/incorrect record with respect to

the subject selection process conducted by the petitioner/school are valid, and that the school record cannot in any manner be faulted with.

12. (i) The fourth objection of the respondent/DOE was that no interview letters were sent to the short listed candidates for the posts of the Principal, PGT (Eco), PGT (Hindi) and UDC and three interview letters have not been sent for each of the post of Librarian and PGT (English).

(ii) In this regard, as already stated above the records were produced by the petitioner/school and examined by the respondent/DOE and no objections have been raised by the respondent/DOE after examining the record by filing an affidavit that the interview letters were not sent for the post of Principal, PGT (Eco), PGT (Hindi) and UDC.

(iii) In any case, even the original defence of interview letters not being sent is misconceived for two reasons. First reason is that in all the interviews, a large number of candidates appeared and which show that interview letters were in fact sent. For the one post of Principal, as many as 7 candidates appeared, for the post of PGT (Eco) out of 19 eligible candidates 16 candidates appeared, for the post of PGT (Hindi) out of 29 eligible candidates 22 appeared and for the post of UDC out of 15 eligible candidates 12 appeared in the interview.

(iv) The second reason for rejecting the stand of the respondent/DOE with respect to three interview letters not being sent for the posts of Librarian and PGT (English) is that not a single candidate of these six candidates for each of the two posts of Librarian and PGT (English) have filed any judicial proceedings in any Court to contend that in spite of such candidates applying for one or more of the posts in question, such a candidate was not called. Therefore, I reject the argument of the respondent/DOE that interview letters were not sent to all the short listed candidates.

(v) It is noted qua the sub-defence of the fourth stand of the respondent/DOE of interview letters not being sent to three persons for each post of the Librarian and PGT (English), and which argument is rejected in terms of the aforesaid discussion, it is also further noted that with respect to the post of Librarian out of 11 eligible candidates 8 appeared in the interview and for the post of PGT (English) out of the 13 eligible candidates all the 13 candidates appeared in the interview, and therefore, the second part of the fourth defence/argument of the respondent/DOE is rejected.

13. The next defence/contention of the respondent/DOE is that information/documents were not provided by the petitioner/school to the respondent/DOE or its nominee before the interview process,

and this argument is again rejected as being totally frivolous because not only the respondent/DOE has not filed any letters sent by it to the petitioner/school which allege that information/documents in spite of having been asked for have not been provided by the petitioner/school, in fact no such objection has been raised by the respondent/DOE during the entire selection process including at the time when interviews were conducted, and in which selection process the nominees and the subject experts of the respondent/DOE participated and approved the selection of the candidates. This defence of the respondent/DOE is therefore most malafide to say the least and is therefore rejected.

14. The sixth defence of the respondent/DOE pertains to the issue of Employment News, and is a repetition, and which defence has already been rejected in terms of the above discussion.

15. (i) The seventh defence is in five parts from (a) to (e). Let us take each of them individually.

(ii) The first part of the seventh defence is that for the post of PGT (Eco), although the candidate was given B.Ed marks but he was ultimately rejected on the ground that the candidate did not have B.Ed qualification, and to which aspect the petitioner/school has rightly

stated that marks were given initially before the selection process with respect to the candidate for B.Ed qualification because the candidate had stated in his application that he had B.Ed qualification, but, when this candidate's certificates were checked he was not found to have B.Ed qualification and accordingly such candidate was in fact rightly rejected and not considered for appointment. Accordingly, the first part of the seventh defence of the respondent/DOE is rejected.

(iii) For the self same reason the third and fifth parts, being sub-paras (c) and (e) of the seventh defence, are therefore rejected as the petitioner/school has given the same reason that when the certificates were checked such candidates were found not to have the B.Ed qualification etc.

(iv) The second part of the seventh defence is with respect to two over-age candidates being considered, and to which petitioner/school has rightly replied that two over-age candidates have not been appointed by the petitioner/school. This second part of the seventh defence of the respondent is therefore rejected.

(v) The fourth part of the seventh defence is with respect to the fact that the serial no.2 person for the post of PGT (Pol. Sc) has been wrongly rejected as over-age because the cut-off date was 28.5.1976 but the date of birth of such candidate was subsequent i.e 1.6.1976. No

doubt this minor error has been committed by the petitioner/school, however, I do not think that any emphasis needs to be given on this aspect because the said candidate who was rejected as over-aged has till date not questioned the selection process and has not asked to be considered for the post and thereafter being selected. This fourth part of the seventh defence is also therefore rejected.

16. I may note that there are order sheets in these writ petitions which are many in number. Some of the order sheets show, and which have been reproduced above the blatant stand of the respondent/DOE of in spite of examining the record the respondent/DOE failing to substantiate its defences given in the impugned order dated 15.10.2013. The other orders show as to how the respondent/DOE took adjournment for sorting out the issue, being the order dated 22.5.2015, however, thereafter on the very next date, and incidentally by then the roster had changed, the respondent/DOE stated that it is not possible to resolve the issues in these writ petitions. I must state that there is definitely required some soul searching by the respondent/DOE in the facts of the present case where petitioners have been harassed, and if I can say so tortured, by denying them their valid appointments and which they got under the valid/thorough selection

process which had the participation of the nominees and experts of the respondent/DOE.

17. I may note that eight petitioners in W.P.(C) Nos. 7942/2013, 8052/2013, 8054 /2013, 8059/2013, 8061/2013, 8063/2013, 8125/2013, 8128/2013 have been now working with the petitioner/school since last about five years without receiving even a single rupee. This is a highly unacceptable state of affairs. In fact this amounts to denial of human rights of these eight petitioners. The respondent/DOE is therefore directed that within a period of four weeks from today positively the entire dues of the petitioners shall be released and paid to these eight petitioners failing which the respondent/DOE will be personally answerable to this Court in case petitioners approach this Court and show that this judgment has not been complied with.

18. In view of the above discussion, these writ petitions being W.P. (C) Nos.7733/2013, 7942/2013, 8052/2013, 8054 /2013, 8059/2013, 8061/2013, 8063/2013, 8125/2013, 8128/2013 are allowed. The impugned order of the respondent/DOE dated 15.10.2013 is quashed. Each of the petitions of the selected eight candidates is allowed with costs of Rs.20,000/- in each of these eight writ petitions payable to each of the petitioners, and which costs would be some succor for the petitioners,

and in order also to ensure that there is vindication of fairness and justice in the system. Costs be paid within a period of four weeks from today. This principal amount due to the eight petitioners be paid within four weeks. Petitioners be further paid from the date on which the eight petitioners joined the petitioner/school, interest at 7% per annum simple on the accumulated amounts payable to each of these eight petitioners at the end of each quarter, and which interest will be payable till the date of payments being made to the eight petitioners.

19. The writ petitions are allowed and disposed of in the aforesaid terms.

MARCH 21, 2017
ib/Ak/godara

VALMIKI J. MEHTA, J