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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3907/2017 & CM Appl. No. 17232/2017
MUNNA LAL AND ORS Petitioners

Through : Mr. Prakash Kumar, Adv.
Versus
DIRECTORATE OF EDUCATION AND ORS Respondents

Through Mr. Pradeep Kaushik, DDE for
respondent no. 1
Mr. Sanjoy Ghose, ASC with Ms.
Aparajata Sharan, Adv. for GNCTD
Mr. Atul Jain, Adv. for respondent
nos. 5 to 8

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **18.05.2017**

By this writ petition under Article 226 of the Constitution of India, petitioners have prayed that advertisement dated 16.4.2017, to the extent of direct recruitment of three posts of LDC, may be quashed and foundation be directed to immediately promote the petitioners to the post of LDC. Damages have also been claimed.

Respondent no. 5 is the Society, which is running the respondent nos. 6 to 8 amongst other schools. It is not in dispute that respondent nos. 6 to 8 are the Government aided schools. Applications have been invited for

recruitment of LDCs in some of the aided schools run by the respondent no. 5.

It is not in dispute that according to the Recruitment Rules for the post of Lower Division Clerks, as notified and circulated vide letter no. DE.15/Act/59/93/RR/14680-14736 dated 27th October, 1993, recruitment has to be made by way of direct recruitment. Accordingly, in my view, recruitment to the post of LDCs is being made by the respondent no. 5 in accordance with the rules and cannot be interfered with.

Learned counsel for the petitioners, by placing reliance on the letter dated 18th June, 1994 of Deputy Director of Education (Act), written to the Secretary, Delhi Tamil Education Association (DTEA), has contended that recruitment to the post of LDCs can only be made by promotion. I do not find any force in this contention of the learned counsel. First of all, the letters, guidelines or circulars cannot supersede the recruitment rules governing the field. Secondly, this letter is nothing but a clarification given by the Deputy Director of Education (Act) to the Delhi Tamil Education Association in response to their letter thereby clarifying that the recruitment rules will not apply to the private schools. Since recruitment is being done as per the Rules, governing the field, this clarification letter between the

third parties is of no consequence and cannot be read in derogation to the Recruitment Rules.

Writ petition is dismissed. Interim order is vacated.

Dasti.

A.K. PATHAK, J.

MAY 18, 2017
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