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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4048/2017, CM Nos. 17801-17802/2017**
UPMA GUPTA AND ORS

..... Petitioners

Through: Mr. Mohit K. Daraad, Adv.

versus

JAIN GIRLS SECONDARY SCHOOL AND ORS

..... Respondent

Through: Mr. Milan Tyagi, Adv. for R-1 & 2
Mr. Arun Kumar Panwar, Adv. for
Mr. Raman Duggal, SC (Civil) for R-
3/DoE

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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12.05.2017

CM No. 17802/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4048/2017 & CM No. 17801/2017

1. The present petition has been filed with the following prayers:-

“In the premise aforesaid, it is most respectfully prayed that this Hon’ble Court may be pleased to:-

a) Declare that the refusal of duties to Petitioners by the Respondent No.1 School, w.e.f 01.03.2017 as illegal, unjustified, arbitrary, discriminatory, punitive, unreasonable,

unconstitutional and violative of the provisions of the Delhi School Education Act, 1973 and the Rules made thereunder.

b) Direct the Respondents to reinstatement the Petitioners in service with continuity of service, full back wages and with all consequential benefits (monetary as well as non-monetary) thereof.

c) Issue an appropriate writ, order or direction thereby directing Respondent No.3 to take appropriate action against Respondent No.3 to take appropriate action against Respondent 1/School on account of failure by Respondent No.1 to grant benefits in terms of Vth and VIth Pay Commission recommendations along with all consequential benefits thereof;

d) Allow the present appeal with costs in favour of the appellant and against the Respondents; and

e) Issue any other appropriate order or direction as this Hon'ble Court may deem fit and proper in the interest of justice and in favour of the applicant.”

2. Suffice to state, the main challenge of the petitioners in this writ petition is to their termination by the respondent No.1 School with effect from March 1, 2017. Attention of the petitioner is drawn to the judgment of the Supreme Court in the case reported as **(2001) 10 SCC 445 Shashi Gaur v. NCT of Delhi and others**, wherein the Supreme Court has held that the scope and objective of Section 8(3) for filing an appeal shall not only be against the order of dismissal, removal or reduction in rank, but also against

termination.

3. Learned counsel for the petitioners seeks to withdraw the petition with liberty to approach the Delhi School Tribunal. With liberty as prayed for, the present petition and connected application(s) are dismissed as withdrawn.

V. KAMESWAR RAO, J

MAY 12, 2017*/ak*