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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7197/2015

DR. ISLAM UDDIN

..... Petitioner

Through: Mr. Alamgir, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Satyakam, Advocate for R-1 & 2

Mr. Amit Goel, Advocate for R-3 & 4

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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13.01.2017

1. Petitioner challenges termination of his service by respondent no. 4/School and therefore this writ petition will not be maintainable in this Court because the issue of challenge to termination of service is by means of filing of an appeal before the Delhi School Tribunal under Section 8(3) of the Delhi School Education Act, 1973 and so held by the Supreme Court in the case of *Shashi Gaur Vs. NCT of Delhi (2001) 10 SCC 445*.
2. Counsel for the petitioner states that instead of dismissing this case, this petition be treated as an appeal on the date on which the same was filed as a writ petition in this Court, and be transferred for decision to the Delhi School Tribunal.

3. In view of the above, this writ petition is treated as an appeal deemed to have been filed before the Delhi School Tribunal on the date on which the present writ petition was filed in this Court and the file of this Court be transferred to the Delhi School Tribunal for decision in accordance with law.

4. Parties to appear before the Delhi School Tribunal on 1st March, 2017. Registry shall ensure that the file of this case is made available to the Delhi School Tribunal on the date fixed.

VALMIKI J. MEHTA, J

JANUARY 13, 2017

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