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

+ **CONT.APP.(C) 5/2017**

DEPARTMENT OF EDUCATION

..... Appellant

Through Mr. Ramesh Singh, Standing Counsel &
Mr. Sandeep Pathak, Advocate.

versus

SOCIAL JURIST, A LAWYER GROUP THR PRESIDENT

..... Respondent

Through Mr. Ashok Agarwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

23.10.2017

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CM No. 37648/2017

Exemption application is allowed, subject to all just exceptions.

CONT.APP.(C) No. 5/2017

Learned counsel appearing for the appellant-Government of NCT of Delhi, Department of Education, submits that they are *ad idem* with the respondent in ensuring compliance of the order dated 20th December, 2001 passed in Civil Writ Petition No. 1611/2001, ***Social Jurist versus Government of NCT of Delhi and Others.***

2. Counsel for the appellant submits that advertisement for recruitment of approximately 9000 teachers has already been published, but in the meanwhile the Delhi Assembly has passed a Bill for age relaxation and

weightage in marks for Guest Lecturers, who have been working since 2010-2014. The said legislation is now pending consideration before the Lt. Governor.

3. Learned counsel for the appellant submits that the *status quo* order passed by the single Judge on 27th September, 2017 that the appellants would neither appoint nor promote Guest Lecturers appointed from 2010 onwards, would be contrary to the interest of students as appointment of teachers is likely to take time as proper selection is to be made.

4. Counsel for the respondent submits that the intent and purpose of granting the stay order was to only expedite the appointment of teachers and to curtail any attempt to stall the appointment process. He has drawn our attention to the public notice dated 24th August, 2017, which has kept the advertisement No. 2/2017 published on 7th August, 2017 in abeyance. This notice also records that the letter of the Directorate of Education for vacancies for all post codes 14/17 and 17/17 to 80/17 of the Directorate of Education was hereby withdrawn.

5. We notice that the order dated 27th September, 2017 is only an interim order till the next date, i.e., 11th October, 2017. Counsel for the parties state that on 11th October, 2017, the contempt petition was not taken up for hearing and was considered on 12th October, 2017. The contempt petition is now listed for hearing on 25th October, 2017. Interim order dated 27th September, 2017 has been continued till 25th October, 2017. In view of the fact that the matter is now pending consideration before the single Judge and listed for hearing on 25th October, 2017, we do not see any purpose in keeping this appeal pending. It will be open to the appellant to raise all contentions and pleas before the single Judge, including the fact that the

Legislative Assembly has passed a Bill on 4th October, 2017, which is now pending consideration before the Lt. Governor. The appellant would also be entitled to raise the contentions that the interim order for maintenance of *status quo* with regard to further appointments would in fact cause prejudice and harm the interest of the students, who may be deprived of teachers. The single Judge may examine the contention of the appellant for early disposal of the decision of the matter pending before the Lt. Governor. Counsel for the respondent has assured the Court that he is pressing for contempt only to ensure compliance of the directions given in the order dated 20th December, 2001 and this is the sole purpose and objective of filing the contempt petition.

6. Recording the aforesaid, the appeal is disposed of, clarifying that we have not expressed any opinion on merits. We also clarify that in case any party is aggrieved with the final order passed in the contempt petition, they will be entitled to challenge the same in accordance with law.

Copy of this order will be given dasti to the learned counsel for the parties under signature of the Court Master.

SANJIV KHANNA, J.

PRATHIBA M. SINGH, J.

**OCTOBER 23, 2017
VKR**