

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

Date of Order: December 13, 2017

+ **W.P.(C) 11052/2017 & C.MS.45215-16/2017**

ANKUR

..... Petitioner

Through: Mr. Kamal Kapoor and Mr.
Virendra Rawat, Advocates

versus

DIRECTORATE OF EDUCATION AND ORSRespondents

Through: Mr. Naushad Ahmed Khan, ASC
(Civil) and Ms. Deepshikha Goyal, Advocate
for respondent-GNCTD

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner, a Peon with third respondent-School since March, 2008, is aggrieved by Communication of 14th November, 2017 (*Annexure-T*) of second respondent vide which petitioner's appointment as Peon made about nine years ago, has been declared to be illegal as he was appointed without calling for applications and so, impugned Communication stops the Grant-in-Aid for petitioner's salary with liberty to third respondent-School to pay petitioner's salary from its own funds.

2. To assail impugned Communication of 14th November, 2017 (*Annexure-T*), learned counsel for petitioner submits that the vacancy of Peon was filled up by third respondent-School only after second respondent had constituted the Departmental Promotion Committee

(DPC) for filling up the vacancy of Peon and petitioner's appointment as well as his pay fixation was duly approved by second respondent on 15th October, 2008, which is so evident from *Annexure-L*. So, it is submitted that there was deemed approval to petitioner's appointment as Peon and now, after nine years, it cannot be arbitrarily declared to be illegal.

3. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with permission to petitioner to make a concise representation to second respondent within a week from today, and with a direction that upon receipt of such a Representation from petitioner, second respondent shall pass a speaking order thereon within four weeks in case it chooses not to withdraw impugned Communication of 14th November, 2017 (*Annexure-T*). Second respondent shall consider the response of third respondent-School given to Show-cause Notice on 21st April, 2016 and if need be, inputs can be obtained from third respondent-School. The fate of Representation be made known to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law, if need be. In the peculiar facts and circumstances of this case, let *status quo* as of today in respect of petitioner's service with third respondent-School be maintained.

4. With aforesaid directions, this petition and the applications are disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

DECEMBER 13, 2017

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HIGH COURT OF DELHI



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