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

% ***Date of Order : February 21, 2018***

+ **W.P.(C) 1673/2018 & CM Nos.6885-88/2018**

YOGITA CHAUHAN Petitioner

Through: Mr.Roopenshu Pratap Singh, Advocate

versus

DIRECTORATE OF EDUCATION, GNCTD Respondent

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

1. Petitioner claims that she was selected as a Guest Teacher- PGT (Hindi) on 30th January, 2018 and that she had a caesarean delivery on 28th January, 2018. It is the case of petitioner that Maternity Benefit Act, 1961, as amended in the year 2017, has been extended to all Guest Teachers and so petitioner cannot be deprived of the provisions of Maternity Benefit Act, 1961. It is submitted on behalf of petitioner that respondent has refused to issue joining letter to petitioner and thereby has denied the benefits accruing under the Maternity Benefit Act, 1961.

2. A mandamus is sought to respondent to issue joining letter to petitioner and to grant the benefit of the provisions of Maternity Benefit Act, 1961. Learned counsel for petitioner submits that petitioner had gone to the office of respondent-*Directorate of Education* to get the joining letter but respondent has refused to give it. Attention of this Court is drawn to petitioner's letter of 3rd February, 2018 (*Annexure P-5*) to submit that petitioner had given the application to obtain the joining letter but this

application has neither been accepted nor rejected.

3. Despite service of advance notice of this petition upon respondent, none appears.

4. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with directions to respondent to positively respond to petitioner's letter (*Annexure P-5*) within a period of two weeks and the fate of the said application be conveyed to petitioner within a week thereafter, so that petitioner may avail of the remedy as available in law, if need be. It is made clear that if respondent chooses to reject petitioner's application (*Annexure P-5*), then reasons for doing so be spelt out by the respondent.

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

Dasti.

(SUNIL GAUR)
JUDGE

FEBRUARY 21, 2018
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