

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

Date of Order: May 09, 2018

+ **W.P.(C) 4969/2018**

VIRENDER KUMAR & ORS Petitioners
Through: Mr. Kamlesh Kumar, Advocate

versus

MANAGING COMMITTEE OF VIDHYA BHARATI SCHOOL
& ANR Respondents
Through: Mr. Gaurav Dhingra, Advocate for
respondent No.2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. By way of this petition, pay fixation as per recommendations of 7th Central Pay Commission is sought by petitioners. For the relief sought in this petition, Representations were made by petitioners, which have been disposed of vide impugned order of 2nd January, 2018 (*Annexure P-6 colly.*) wherein it has been stated by respondent-School that petitioners were engaged on consolidated emoluments and their appointment was not as per Rule 96 of the *Delhi School Education Act and Rules, 1973* and so, provision of Section 10 of the aforesaid enactment is not applicable.

2. Learned counsel for petitioners submits that the aspect of nature of petitioners' appointment stands clarified by a Co-ordinate Bench of this Court vide order of 7th March, 2017 in W.P.(C) 2108/2017 (*Annexure P-3*). Vide aforesaid order (*Annexure P-3*) liberty had been granted to

respondent-School to initiate proceedings against petitioners if they lack eligibility to hold the posts in question. Learned counsel for petitioners submits that no departmental proceedings have been initiated against petitioners and that petitioners had also made a Representation (*Annexure P-4*) to respondent-*Directorate of Education* on 18th December, 2017 regarding violation of Section 10 of *the Delhi School Education Act, 1973* by respondent-School and there is no response to the said Representation.

3. Despite service of advance notice, none appears on behalf of respondent-School.

4. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with direction to respondent-*Directorate of Education* to pass a speaking order on petitioners' Representation (*Annexure P-4*) within twelve weeks from today and to convey its fate to petitioners within a week thereafter. Petitioners are also granted permission to make a fresh concise Representation to respondent-School. Learned counsel for petitioners submits that such a Representation would be made to respondent-School within a week from today. In the event of receiving such a Representation from petitioners, respondent-School shall reconsider cryptic order of 2nd January, 2018 (*Annexure P-6 colly.*) by passing a speaking order within twelve weeks on petitioners' Representation so received, so that petitioners may have recourse to law, if need be.

5. Respondent-School be apprised of this order forthwith to ensure its compliance.

6. With aforesaid directions, this petition is disposed of.

Copy of this order be given *dasti* to counsel for the parties.

(SUNIL GAUR)
JUDGE

MAY 09, 2018

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