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

+ **CONT.CAS(C) 309/2018 & CM. No. 17929/2018**

YOGITA CHAUHAN

..... Petitioner

Through: Mr. Roopenshu Pratap Singh, Adv.

versus

**SAUMYA GUPTA, DIRECTOR , DIRECTORATE OF
EDUCATION, NCT OF DELHI**

..... Respondent

Through: Ms. Avnish Ahlawat, Standing
Counsel for GNCTD with Mr. Nitesh
K. Singh and Ms. Palak Rohmetra,
Advts.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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02.05.2018

CM. No. 17929/2018 (for exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

CONT.CAS(C) 309/2018

The present petition has been filed by the petitioner alleging non-compliance of order dated February 21, 2018 wherein the following directions were given:

“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 F-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.”*

Learned counsel for the respondent states, an order dated April 24, 2018 has been passed. A copy of the said order is taken on record. The relevant paras of the order read as under:

“And whereas, the Section 5(2) of the Maternity Benefits Act, 1961 stipulates as under:

“No woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from whom she claims maternity benefit, for a period of not less than eighty days in the twelve months immediately proceeding the date of her expected delivery.”

And whereas, the petitioner has not worked in this Directorate for the period as prescribed by the Section 5 (2) of Maternity Benefits Act, 1961, therefore, she is not entitled for the benefits of Maternity Benefits Act, 1961.

However, the candidature of the petitioner may be considered for the post of Guest Teacher PGT (Hindi) in future, subject to availability of the vacancy and subject to the production of Medical Fitness Certificate from the competent medical authority. ”

In view of the aforesaid, the order of which non-compliance is alleged having been complied with, liberty is with the petitioner, if so advised to challenge the order dated April 24, 2018 in accordance with law.

At this stage, learned counsel for the petitioner seeks to withdraw the contempt petition. The same is dismissed as withdrawn with liberty as above.

V. KAMESWAR RAO, J

MAY 02, 2018/aky