

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

Date of Order: November 16, 2018

+ **CONT.CAS(C) 288/2017**

RENU BARROT

..... Petitioner

Through: Mr. M.A. Niyazi & Ms. Anamika
Niyazi, Advocates

Versus

MRIDULA PANT & ORS.

..... Respondents

Through: Mr. Ankur Chibber, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

C.M. 25009/2017

There is delay of two months in filing the additional affidavit.

For the reasons stated in the application, delay is condoned and the additional affidavit filed by petitioner is taken on record.

Application is disposed of.

C.M. 4073/2018

There is delay of 06 days in filing the copy of writ petition in pursuance to order of 18th July, 2017.

For the reasons stated in the application, delay is condoned and copy of writ petition is taken on record.

Application is disposed of.

CONT.CAS(C) 288/2017

Vide order of 27th April, 2015 (*Annexure P-10*), respondent-School

was directed to regularize petitioner on the post which petitioner was holding i.e. on the post of Trained Graduate Teacher (Computer Science) w.e.f. 3rd August, 2013.

Counsel for respondent-School has handed over copy of Communication of 30th January, 2017, vide which petitioner has been appointed on the post of Trained Graduate Teacher (Computer Science) on regular basis w.e.f. 3rd August, 2013. Learned counsel for respondent-School submits that compliance of order of 27th April, 2015 has been made.

Learned counsel for petitioner submits that although technical compliance of aforesaid order has been made but upon joining, petitioner has been made to work as Primary Teacher (Computer Science) in respondent-School. Reliance is placed upon a decision of Co-ordinate Bench of this Court in *Paramjit Gill Vs. The Chairman, Managing Committee, Army Public School & Anr.* 2006 VI AD (Delhi) 887 to submit that petitioner cannot be made to work on a lower post. In the additional affidavit filed, petitioner maintains that Ms. Pallavi Sharma has been appointed as regular Trained Graduate Teacher (Computer Science) in the year 2016.

To controvert it, counsel for respondent-School has handed over a copy of appointment letter of Ms. Pallavi Sharma which reveals that she has been appointed as Post Graduate Teacher (PGT), in Computer Science on 31st March, 2016.

Petitioner's counsel submits that Ms. Pallavi Sharma was being given salary as Trained Graduate Teacher and to submit so, pay slips for

the month of July and October, 2017 of Ms. Pallavi Sharma are sought to be placed on record.

Counsel for respondent-School points out that Ms. Pallavi Sharma is Post Graduate Teacher (Computer Science) and she has been confirmed as PGT w.e.f. 4th April, 2018 and there is no vacant post of Trained Graduate Teacher (Computer Science) and so, petitioner has been called upon to work as Primary Teacher (Computer Science) and as and when vacancy of Trained Graduate Teacher occurs, petitioner would be asked to work on the said post. According to counsel for respondent-School, the ratio of decision in *Paramjit Gill (Supra)*, has no application to the facts of instant case, as in the said decision, the work content of two posts was entirely different, as new post was not academic, whereas petitioner in the said case was earlier working on an academic post.

Upon hearing and on perusal of order of 27th April, 2015, material on record and the decision cited, I find that compliance of order of 27th April, 2015 has been made. The nature of work to be assigned to petitioner was not the subject matter of consideration in the order of 27th April, 2015. Therefore, the fact of petitioner being made to work on a lower post is not required to be examined in the contempt proceedings, as it is beyond the scope of this petition.

Since compliance of order of 27th April, 2015 has been made by respondent-School, therefore, this petition is disposed of with liberty to petitioner to agitate the plea of being made to work on a post lower than Trained Graduate Teacher (Computer Science) before the appropriate Forum.

With aforesaid observations, this petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

NOVEMBER 16, 2018

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