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

+ W.P.(C) 1643/2019 & CM APPL. 7504-7505/2019

J D TYTLER SCHOOL

..... Petitioner

Through: Mr. Abhik Kumar and Mr. Siddhartha
Shankar Ray, Advocates.

versus

JASVINDER KAUR & ANR

..... Respondents

Through: Ms.Ritu, proxy counsel for Ms. Vibha
Mahajan Seth, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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26.02.2019

Vide the instant petition, the petitioner has challenged the order dated 18.12.2018 passed in appeal No. 94/2017 whereby the petitioner school is directed to reinstate the respondent No. 1 on the post of Clerk-Cum-Computer operator.

Case of the petitioner is that the respondent No. 1 is a teacher in the petitioner school and she does not have requisite qualification for the same. Therefore, vide letter dated 25.08.2017, it is stated by the petitioner that CTET/B.ed is mandatory for teaching. Moreover, petitioner has already informed to respondent No. 1 that she has to complete or bring her qualification Certificate of CTET/B.ed degree.

It was further advised that if respondent No. 1 wants to continue in teaching then she will provide the requisite qualification.

It is admitted in the case of the petitioner is that the respondent No. 1 was appointed in the year 2008 on the post of Clerk-cum-Computer Operator. Thereafter, in the year 2013, she was assigned the job of teaching

at her request. Since she is not having requisite qualification for the teacher, therefore, she asked to have the qualification or submit the qualification required for the post of teacher.

In such a situation, the petitioner had only option that if respondent No. 1 does not have the requisite qualification then, there was no question to continue on the post of teacher and would have asked her to do the work of Clerk-cum-Computer Operator. Instead of doing so, the petitioner was insisting the respondent No. 1 to bring the B.ed Degree which is required for the post of teacher.

The learned tribunal while dealing this issue has categorically observed that the respondent No. 1 was appointed in the year 2008 on the post of Clerk-cum-Computer Operator and were assigned job for a teacher in the year 2013. Accordingly, the petitioner school was directed to reinstate the respondent No. 1 on the post of Clerk-cum-Computer Operator.

As stated by the counsel for the petitioner that the petitioner has not terminated the services of respondent No. 1, if that is the position then they should not have aggrieved by the order dated 18.12.2018 passed in appeal No. 94/2017 by Delhi School Tribunal.

It is needless to state that since the respondent No. 1 does not have the requisite qualification for the teacher, she shall continue to work on the post of Clerk-cum-Computer Operator.

Finding no merit in the present petition, the same is, accordingly, dismissed.

SURESH KUMAR KAIT, J

FEBRUARY 26, 2019/rd