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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 11.03.2022

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W.P.(C) 4149/2022

VIDYA SAGAR BARNWAL & ANR. Petitioners
Through: Mr Harpreet Singh and Mr Arunesh
Sharma, Advocates

versus

GOVT. OF NCT OF DELHI & ANR. ... Respondents
Through: Mr Nitesh Kumar Singh, Advocate
for Mrs Avnish Ahlawat, Standing
Counsel, GNCTD with Mrs Tania
Ahlawat, and Mr Siddhant Tyagi,
Advocates for DOE.
Mr Thehak, Nakra, ASC

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE JASMEET SINGH

[Physical Hearing/ Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J.(ORAL):-

CM APPL. 12420/2022

1. Allowed, subject to just exceptions.

W.P.(C) 4149/2022 & CM APPL. 12419/2022*[Application filed on behalf
of the petitioners seeking interim relief]*

2. Issue notice.

2.1. Mr Nitesh Kumar Singh accepts notice on behalf of the respondents.

2.2. Mr Nitesh Kumar Singh states that he does not wish to file a counter-affidavit, and would argue the matter based on the record presently available



with the court.

3. Accordingly, with the consent of the counsel for the parties, the writ petition is taken up for hearing and final disposal, at this stage itself.

4. This writ petition is directed against the order dated 16.02.2022, passed by the Central Administrative Tribunal [in short, “the Tribunal”] in O.A. No. 365/2022. The Tribunal, *via* the said order, has dismissed the O.A. preferred by the petitioners.

4.1. The record reveals that the petitioners had been engaged as Guest Teachers, in the capacity of Trained Graduate Teacher (Sanskrit) [in short “TGT (Sanskrit)”].

4.2. We are told that petitioner no.1 worked as Guest Teacher between 13.09.2013 and 08.05.2014. Likewise, petitioner no. 2 was engaged as Guest Teacher between 26.10.2012 and 10.05.2013, as also between 15/18.09.2013 and 10.05.2014.

4.3. Mr Harpreet Singh, who appears on behalf of the petitioners, says that the Tribunal failed to appreciate the frame of the petitioners’ action.

4.4. In this context, our attention has been drawn by Mr Harpreet Singh to the prayers made in the O.A. For the sake of convenience, the substantive prayers made in the O.A. are extracted hereafter :

“i. Direct the respondents to unblock the ID of the applicants;

ii. Consequent to (i) above, direct the respondents to consider the applicants for re-allocation of school in terms of circular dated 17.06.2021 and appoint them as Guest Teacher at the post of TGT (Sanskrit) if otherwise found eligible.”

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5. Mr Harpreet Singh says that since the IDs of the petitioners remained blocked, they could not convey their willingness for re-appointment as Guest Teachers.

5.1. To our query as to why the petitioners had approached the Tribunal after a lapse of nearly 7 years, Mr Harpreet Singh has drawn our attention to Annexure-A/4, appended on page 67 of the case file. This is an order dated 21.10.2021, passed by the Directorate of Education (DOE). In particular, Mr Harpreet Singh has highlighted the relevant facts concerning the appointment of persons, whose names are given against serial nos. 69 to 76, 143, 145, 147, 149, 152, 154, 158, 159, 161 and 162 to demonstrate that although these persons who had been relieved as far back as in 2014 (and even earlier), had been engaged, once again, as Guest Teachers as recently as October 2021.

5.2. Furthermore, Mr Harpreet Singh states that a perusal of the details given in the aforementioned document would show that some of these persons had clocked lesser number of days than what the petitioners spent as Guest Teachers.

6. Given this position, we have put to Mr Nitesh Kumar Singh as to whether the respondents would be in a position to unblock the IDs of the petitioners, and consider them for engagement as Guest Teachers, in accordance with the extant scheme.

6.1. Mr Nitesh Kumar Singh, on instructions, says that the petitioners' IDs will be unblocked, and they will be considered for the posts of Guest Teachers, as per their eligibility, in accordance with the extant scheme.

6.2. The statement of Mr Nitesh Kumar Singh is taken on record.



7. Mr Harpreet Singh says that he is satisfied with the position taken by the respondents.
8. In these circumstances, the writ petition is disposed of, in terms of the statement of Mr Nitesh Kumar Singh.
 - 8.1. Resultantly, the impugned order of the Tribunal is set aside.
 - 8.2. Needless to add, the respondents will act with due alacrity and endeavour to carry out the aforementioned exercise within a reasonable timeframe, though not later than four weeks from the date of receipt of a copy of this judgement.
9. Parties will act, based on the digitally signed copy of the judgement.
10. Consequently, pending applications shall stand closed.

RAJIV SHAKDHER, J

JASMEET SINGH, J

MARCH 11, 2022/sr

Click here to check corrigendum, if any