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

+ **CONT.CAS(C) 897/2021**

MEENAKSHI KHARE & ORS. Petitioners

Through: Mr. P.S. Bindra, Sr. Adv. with
Mr. Bhuvneshwar Tyagi and Mr. Vinayak
Marwah, Advs.

versus

HIMANSHU GUPTA IAS & ORS. Respondents

Through: Mr. Anuj Aggarwal, ASC for
GNCTD with Ms. Arshya Singh, Mr. Yash
Upadhyay and Mr. Siddhant Dutt, Advs. for
R-1 and 2

Mr. T.P. Singh, Adv. SCGC for UOI
Mr. Kirtiman Singh, Mr. Waize Ali Noor,
Mr. Varun Rajawat, Mr. Kartik Baijal, Mr.
Varun Pratap Singh and Ms. Shreya V.
Mehra, Advs. for R-3

+ **W.P.(C) 1280/2019**

MRS. MEENAKSHI KHARE AND ORS. Petitioners

Through: Mr. P.S. Bindra, Sr. Adv. with
Mr. Bhuvneshwar Tyagi and Mr. Vinayak
Marwah, Advs.

versus

DIRECTORATE OF EDUCATION AND ORS...... Respondents

Through: Mr. Anuj Aggarwal, ASC for
GNCTD with Ms. Arshya Singh, Mr. Yash
Upadhyay and Mr. Siddhant Dutt, Advs. for
R-1 and 2

Mr. T.P. Singh, Adv. SCGC for R-4
Mr. Kirtiman Singh, Mr. Waize Ali Noor,
Mr. Varun Rajawat, Mr. Kartik Baijal, Mr.
Varun Pratap Singh and Ms. Shreya V.
Mehra, Advs. for R-3/Airforce Gyanjyoti
School



**CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR**

ORDER
% **01.02.2024**

CONT.CAS(C) 897/2021

1. In view of the developments in the case after this contempt petition was filed, Mr. Bindra, learned Senior Counsel for the petitioner, on instructions, fairly does not seek to press the present contempt petition with liberty to re-approach the Court in case there is any further occasion to do so.

2. The contempt petition is disposed of accordingly.

W.P.(C) 1280/2019

3. Mr. Bindra has drawn my attention to the order dated 6 July 2023.

4. The dispute relates to four candidates who had not been appointed in the Air Force Gyanjyoti School after the transfer of the management of the school from the Indian Air Force to the Government of NCT of Delhi. The four candidates were Babita Varshney, Malti, Peter and Sonu.

5. This Court in its order dated 6 July 2023 noted, that of the four candidates, Peter has superannuated and that his case did not survive for consideration.



6. The remaining three candidates were Babita Varshney, Malti and Sonu.

7. Apropos Babita Varshney, the order dated 6 July 2023 notes that she was found ineligible for being appointed only for the reason that she was allegedly over-age at the time of her original appointment in school on 17 December 2007.

8. The Coordinate Bench has, in para 6 of the order, already expressed a *prima facie* opinion that, having rendered 17 years of service in the school, it was unfair as well as unjust on the part of the school to refuse to absorb Babita Varshney consequent on the take over of the management of the school by the GNCTD merely on the ground that she was over-age at the stage of her original appointment which was 17 years ago.

9. Even otherwise, it is a trite position in law that, if for any reason, the original appointment of an employee is found to be vitiated, that has to be dealt with in accordance with the due procedure prescribed in that regard.

10. It is nobody's case that the said procedure has been followed in this case.

11. After having expressed the aforementioned *prima facie* view in para 6 of the order dated 6 July 2023, para 7 records the submission of Mr. Anuj Aggarwal, learned Additional Standing Counsel, that the Delhi



Government would reconsider the case of Ms. Babita Varshney keeping in mind the observation in para 6.

12. To a query from the Court, Mr. Aggarwal is unable to enlighten the Court as to any outcome of such reconsideration. Nor has any affidavit to that effect been placed on record by the GNCTD.

13. This Court, therefore, directs the GNCTD that Ms. Babita Varshney be re-appointed in the Air Force Gyanjyoti School forthwith.

14. Apropos Malti and Sonu, Mr. Aggarwal submits that their case has been re-considered and a decision to reject their cases has been taken.

15. He is directed to place the said decision on record within one week from today.

16. Re-notify on 8 February 2024.

C. HARI SHANKAR, J.

FEBRUARY 1, 2024

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Click here to check corrigendum, if any