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

+ **W.P.(C) 9611/2024**

ARVIND SHARMA

.....Petitioner

Through: Mr. M.A. Niyazi, Ms. Kirti Bhardwaj,
Ms. Nehmat Sethi and Mr. A. Ali, Advocates.

versus

**RUKMINI DEVI PUBLIC SCHOOL AND
ANR**

.....Respondents

Through: Ms. Jyoti Tyagi, Mr. Himanshu
Mishra and Ms. Sonu Kumari, Advocates for Mr.
Yeeshu Jain, ASC. for R2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

16.07.2024

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CM APPL. 39445/2024

1. Allowed subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition has been preferred on behalf of the Petitioner seeking the following reliefs:

“a. issue appropriate writ, order or direction especially in the nature of mandamus or any other writ order or direction directing the respondent No.1 for immediate rectification in petitioner’s designation from music instrumental trainer to music instrumental teacher and inclusion of his first seven years of services (14-07-2014 to 31-07-2021) for purpose of fixation and payment of correct payscale / payband / salary and all applicable perks and privileges, seniority as per the initial appointment on the post of music instrumental teacher and payment of the arrears of salaries / increments to the petitioner as applicable to him;

b. issue any appropriate writ, order or direction, especially in the



nature of writ of mandamus, directing the respondent Rukmini Devi Public School to fix correctly and pay the correct petitioner's pay, allowances and other benefits including dearness allowance, medical allowance, house rent allowance, travelling allowance and pay to his arrears of salaries including DA arising therefrom till date in terms of the recommendation of 7th central pay commission w.e.f 01.01.2016 and in terms of Section 10 of the Delhi School Education Act, 1973 along with 24% interest thereupon from the date / dates same became payable to them and till payments are made;

c. issue any appropriate writ, order or direction, especially in the nature of writ of mandamus directing the respondent Rukmini Devi Public School to provide to the petitioner the benefits of Provident Fund (PF), PENDING ANNUAL INCREMENTS, Earned Leave (EL), and Leave Travel Concession (LTC);

d. issue any appropriate writ, order or direction, especially in the nature of writ of mandamus, directing the respondent Rukmini Devi Public School to provide copy of service book to the Petitioner;

e. issue any appropriate writ, order or direction, especially in the nature of writ of mandamus, directing the respondents to ensure that petitioner can avail summer and winter vacations as per norms;

f. issue any appropriate writ, order or direction, especially in the nature of writ of mandamus, directing the respondent Director of Education to take action in accordance with the provisions of Section 10 of the Delhi School Education Act, 1973 against the respondent school for aforesaid failures on the part of the respondent school;

g. pass any such order / further orders as deem fit and proper in the facts and circumstances of the case."

4. Issue notice.

5. Ms. Jyoti Tyagi, learned counsel accepts notice on behalf of Respondent No.2.

6. Since the Petitioner has admittedly not made any representation till date, it would be appropriate to dispose of this petition directing both the Respondents to treat the writ petition as a representation and decide the same within six weeks from today. The Respondents shall pass separate reasoned and speaking orders within six weeks, which shall be communicated to the Petitioner within a period of one week thereafter.



7. Needless to state that all the contentions, factual and legal issues raised by the Petitioner in the present petition will also be considered while taking the decision. If sought, a personal hearing will also be granted to the Petitioner to put forth his point alongwith any documents which he wishes to bring to the notice of the Competent Authority.

8. Petition stands disposed of granting liberty to the Petitioner to take recourse to appropriate remedies in case of any surviving grievance.

JYOTI SINGH, J

JULY 16, 2024/jg