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

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W.P.(C) 10343/2017

DIRECTORATE OF EDUCATION

..... Petitioner

Through: Mr. Gaurav Dhingra, Advocate.

versus

BIPIN SINGH AND ORS.

..... Respondents

Through:

Mr. M.K.Bhardwaj, Ms. Priyanka M. Bhardwaj and Mr. Arun Prakash, Advocates for R-1 to 4.

Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Alexander Mathai Paikaday, Mr. Lakshay Gunawat and Mr. Krishnan V. Advocates for R-8 to 11.

Kumar Rajesh Singh, Advocate for R-14.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

**01.04.2024**

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1. The present writ petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 23.09.2016 passed by the learned Central Administrative Tribunal in O.A. 4132/2011. Vide the impugned order, the learned Tribunal has directed the petitioner to fill up the vacancies of Assistant Teacher (Primary) as advertised in the year 2009 in accordance with the Rules prevalent at that stage thereby ignoring the reclassification as a Group B post in PB-II with Grade pay of Rs.4200/-.

2. Learned counsel for the petitioner submits that the impugned



order is wholly perverse as it fails to see the effect of the common order dated 20.07.2010 passed by a Coordinate Bench of the learned Tribunal in O.A 121/2010 and O.A 151/2010, whereunder specific directions were issued to the petitioner to amend the rules and issue a fresh advertisement qua the advertisement pursuant to which the respondents were selected on 08.06.2009. He, therefore, prays that the impugned order be set aside.

3. On the other hand, Mr. Bhardwaj, learned counsel for the respondents supports the impugned order and submits that since offers of appointment had already been issued to the respondents, the petitioner ought not to be granted permission to issue any fresh advertisement in respect of the vacancies which were advertised on 08.06.2009.

4. Having considered the rival submissions of the parties, and perused the record, we agree with the petitioner that in the light of the order dated 20.07.2010 passed in O.A.121/2010, the petitioner was left with no other option except to recall the advertisement dated 08.06.2009 whereunder the respondents were selected and to issue a fresh advertisement after amending the rules as per notification dated 09.04.2009. We find that while passing the impugned order, the learned Tribunal has failed to take into account the effect of the order dated 20.07.2010 passed by the Coordinate Bench in O.A 121/2010 which specifically directed the petitioner to issue a fresh advertisement.

5. In the light of the aforesaid, the writ petition is allowed by setting aside the impugned order, and remanding the O.A back to the



learned Tribunal for reconsideration of the same. We, however, make it clear that while passing a fresh order in the O.A, the learned Tribunal will take into account the order passed on 20.07.2010 in O.A.121/2010. Needless to state this Court has not expressed any opinion on the merits of the rival submissions of the parties.

6. List before the learned Registrar, Central Administrative Tribunal on 25.04.2024.

**REKHA PALLI, J**

**TUSHAR RAO GEDELA, J**

**APRIL 1, 2024**

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