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

+ **W.P.(C) 1324/2024**

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..... Petitioner

Through: Mr. Anuj Aggarwal, Mr. Siddharth Nair and Mr. Shrey Kukreti, Advocates.

versus

MODERN CHILD PUBLIC SR. SEC. SCHOOL & ORS.

..... Respondents

Through: Ms. Manisha Mehra, Advocate for Mr. Yeeshu Jain, ASC for R-3 with Ms. Jyoti Tyagi and Mr. Hitanshu Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

30.01.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 5385/2024 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 1324/2024 & CM APPL. 5384/2024 (for directions)

3. The present writ petition has been filed under Article 226 of the Constitution of India, 1950, *inter alia*, seeking the following reliefs :-

“(i) issue an appropriate writ, order or direction thereby directing the respondent No. 1/school to fix the salary of the petitioner in terms of Section 10 of the Delhi School Education Act, 1973 and in conformity with the recommendations of 6th Central Pay Commission w.e.f. 02.07.2007 (i.e., the date of initial appointment



of the petitioner) as well as 7th Central Pay Commission w.e.f. 01.01.2016 as revised from time to time;

(ii) issue an appropriate writ, order or direction thereby directing the respondent No. 1/school to pay the arrears of salary, as payable to the petitioner on account of revision of her salary in terms of the recommendation of 6th Central Pay Commission w.e.f. 02.07.2007 (i.e., the date of initial appointment of the petitioner) as well as 7th Central Pay Commission w.e.f. 01.01.2016, along with appropriate interest thereupon;

(iii) issue an appropriate writ, order or direction thereby directing the respondents to pay the arrears of salary along with appropriate interest to be calculated @ 18% per annum upon the same;

(iv) issue an appropriate writ, order or direction thereby directing the respondent No. 3/DOE to take appropriate action against the respondent No. 1/school on account of violation of the provisions of the Delhi School Education Act, 1973 as well as the Delhi School Education Rules, 1973;

(v) Allow the present writ petition with exemplary compensation, costs and litigation expenses in favour of the petitioner; and”

4. Learned counsel appearing for the petitioner submits that the petitioner, was terminated on 07.08.2023, which termination is now a subject matter of an appeal before the learned Delhi School Tribunal.
5. The petitioner in the present petition seeks fixation of salary under Section 10 of the Delhi School Education Act, 1973 and in conformity with the recommendations of the 6th and 7th CPC w.e.f., 02.07.2007 and 01.01.2016 and for the consequential benefits of the arrears etc.
6. Learned counsel also submits that in respect of the non-payment of salaries for the months June, July and August, 2023, an application has also been filed.
7. Issue Notice.



8. Notice is accepted by Ms. Manisha Mehra, learned counsel appearing for respondent No.3.
9. Issue notices to the respondents Nos. 1 and 2 by all permissible modes, upon the petitioner taking appropriate steps within a week.
10. Reply be filed within four weeks. Rejoinder thereto, if any, be filed within four weeks from today.
11. List the matter before the Registrar on 26.04.2024 for completion of pleadings.

TUSHAR RAO GEDELA, J

JANUARY 30, 2024/nd