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

+ **W.P.(C) 4215/2024**

ARTI JAIN

..... Petitioner

Through: Mr. Anuj Aggarwal and Ms. Shreya
Kukreti, Advocates.

versus

ARWACHIN BHARTI BHAWAN SR. SEC. SCHOOL & ORS.

..... Respondents

Through: Ms. Jyoti Tyagi, Advocate for R-3
(Through VC).

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

20.03.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 17221/2024 (for exemption)

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

W.P.(C) 4215/2024

3. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia*, the following reliefs:-

“(i) issue an appropriate writ, order or direction thereby directing the respondent No. 1/school to refix/revise the salary of the petitioner in terms of the recommendations of 5th Pay Commission w.e.f. 02.07.2001 (i.e., the initial date of appointment of the petitioner), 6th Pay Commission w.e.f. 01.01.2006 as well as 7th Central Pay Commission w.e.f. 01.01.2016, as mandated under Section 10 of the Delhi School Education Act, 1973;

(ii) issue an appropriate writ, order or direction thereby directing the respondents to pay the arrears of salary, as payable to the petitioner on account of revision of his salary in terms of Prayer No.(i), along with appropriate interest thereupon to be calculated@ 18% per annum;

(iii) issue an appropriate writ, order or direction thereby directing the respondent No. 1/school to release the remaining arrears of



gratuity and leave encashment to the petitioner, as mandated under Section 10 of the Delhi School Education Act, 1973, along with interest to be calculated @ 18% per annum thereupon till the payment is made to the petitioner;

(iv) issue an appropriate writ, order or direction thereby directing the respondent No.1 to grant 1st and 2nd Financial upgradation under the ACP/MACP Scheme w.e.f. 02.07.2011 and 02.07.2021 and grant the arrears of salary thereof along with interest thereupon to be calculated @ 18% per annum.

(v) 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;

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

(v) Pass any such other or further orders as this Hon'ble Court may deem fit and proper in the interest of justice and in favour of the petitioner."

4. Issue Notice.

5. Notice accepted by Ms. Jyoti Tyagi, learned counsel for respondent No.3/ DoE.

6. Upon petitioner taking steps within a week, notice be served upon the remaining respondent Nos. 1 and 2 by all permissible modes.

7. Counter affidavit be filed within four weeks with an advance copy to learned counsel for the petitioner. Rejoinder, thereto if any, be filed within four weeks, thereafter, with an advance copy to learned counsel for the respondent.

8. List on 27.08.2024 before the Registrar for completion of service as also pleadings.

TUSHAR RAO GEDELA, J

MARCH 20, 2024/nd