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

+ W.P.(C) 6117/2024

MRS. MONIKA SHARMA AND ORS Petitioners

Through: Mr. Sudhir Sharma and Ms.
Vandana Yadav, Advocates.

versus

PUNAM SURI, PRESIDENT, DAV COLLEGE MANAGEMENT
COMMITTEE & ORS. Respondents

Through: Mr. Gaurav Dhingra and Mr.
Shashank Singh, Advocates for R-4
(through VC).
Mr. Ashok Kumar and Ms. Chhavi
Arora, Advocates for R-5/CBSE.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

01.05.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 25366/2024 (Exemption)

1. Exemption is allowed subject to all just exceptions.
2. Application is disposed of.

W.P.(C) 6117/2024

3. This is a writ petition under Section 226 of the Constitution of India, *inter alia*, seeking following prayers:

i) issue any appropriate writ, order or direction, directing the respondent DAV Public School Srestha Vihar, Delhi to forthwith fix the pay of the petitioners in terms of 7th pay commission w.e.f. 01.01.2016 and also pay to them arrears of salaries arising therefrom till date



along with 12% interest thereupon from the date/dates same became payable to them and till payments are made;

ii) issue any appropriate writ, order or direction, directing the respondent direct the Respondent School to release all the benefits within a period of one month and

iii) issue any appropriate writ, order or direction, directing the respondent DAV Public School Srestha Vihar, Delhi to forthwith pay to the petitioners Travelling Allowances, Medical Allowances and Special Allowances due to them in law and also pay to them arrears arising therefrom till date along with 12% interest thereon; and

iv) issue any appropriate writ, order or direction, directing the respondent DAV Public School Srestha Vihar, Delhi to forthwith grant the benefit of MACP to eligible petitioners which is due in law;

v) issue any appropriate writ, order or direction, directing the respondent DAV Public School Srestha Vihar, Delhi to forthwith grant the benefit of Pay Band to petitioners which is due in law;

vi) issue any appropriate writ, order or direction, directing the respondent DAV Public School Srestha Vihar, Delhi to forthwith pay arrears of salary which was deducted in the name of covid crises to petitioners, and

vii) issue any appropriate writ, order or direction, 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; and

viii) issue any appropriate writ, order or direction,



directing the respondent DAV Public School Srestha Vihar, Delhi to forthwith pay the prevailing DA 50% at par with government schools in Delhi

ix) pass any other, order or direction or such further orders as may be deemed just and appropriate, in the facts and circumstances of the case and also in the interest of justice, in favour of the petitioners; and

x) allow the present writ petition with cost, in favour of the petitioners.”

4. Issue notice.

5. Notice is accepted by Mr. Dhingra, learned counsel for respondent no.4 and Mr. Ashok Kumar, learned counsel for respondent no.5.

6. Issue notice to respondents no.1, 2 & 3 by all permissible modes, on petitioners taking steps within one week.

7. Mr. Kumar, learned counsel appearing for respondent no.5/CBSE submits that the said respondent no.5 has been unnecessarily arrayed as a party and is a surplusage. He submits that no relief has been sought against them and in any case, the CBSE has no role to play, insofar as the reliefs as sought in this petition.

8. This Court agrees with the contentions of learned counsel for respondent no.5. Accordingly, respondent no.5 is directed to be deleted from the array of the parties. Amended Memo of Parties be filed within one week from today.

9. Counter affidavit be filed within six weeks with an advance copy to learned counsel for the petitioners. Rejoinder, thereto if any,



be filed within four weeks, thereafter, with an advance copy to learned counsel for the respondents.

10. List again on 29.08.2024 before the Registrar for completion of service and pleadings.

TUSHAR RAO GEDELA, J

MAY 1, 2024/
kct