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

+ **W.P.(C) 6869/2024 & CM APPL. 28677/2024**

SUNIL KUMAR AND ORS

..... Petitioners

Through: Mr. D.K. Chaubey, Advocate.

versus

DIRECTOR OF EDUCATION GOVT OF NCT OF DELHI AND

ORS

..... Respondents

Through: Mrs. Avnish Ahlawat, SC with Mr.
N.K. Singh, Ms. Laavanya Kaushik,
Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Advs. for GNCTD

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

14.05.2024

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(The proceeding has been conducted through Hybrid Mode)

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

“1) Issue a writ of Mandamus, or any other appropriate writ, order or directions in 'the nature of Mandamus directing the Respondents to confirm/regularise the services of the Petitioners just after completion of their probation period in the light of Rule 105 of Delhi School Education Act, 1973 and perform its statutory duties as required U/S 10 and U/R 105 of Delhi School Education Act, 1973; and

2) Issue writ of Mandamus, or any other appropriate writ, order or directions in the nature of Mandamus



directing the Respondents to grant the benefits of 6th Pay Commission to the Petitioners w.e.f. 01.12.2013 in respect to petitioner no.1 & 2 w.e.f. 15.07.2013 in respect of petitioner no.-3 w.e.f. 01.11.2013 in respect of petitioner no.4 and to fix the pay of the petitioners as per recommendation of 7th Pay Commission with revising pay and other allowances to the petitioners in terms of 7th pay commission w.e.f. 01.01.2016 in their respective appropriate corresponding pay scale / grade and thereafter calculate and release arrears of salary and other benefits arising therefrom at the rate of 18% p.a. interest from due date till actual realization.”

2. At the outset, Ms. Aliza Alam, learned counsel for respondent no.1/DOE submits that the issue raised in the petition revolves around Rule 105 of DSER, 1973. She submits that the same is no more *res integra* in view of the judgment passed by the Supreme Court in ***Durgabai Deshmukh Memorial Senior Secondary School and Others vs. J.A.J. Vasu Sena and Anr.*** reported in (2019) 17 SCC 157.
3. Learned counsel for the petitioners seeks some time to peruse the judgment and address arguments on admission hearing.
4. Renotify on 09.08.2024.

TUSHAR RAO GEDELA, J

MAY 14, 2024

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