



2026:DHC:6469

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

+ W.P.(C) 1767/2007

DR.R.S.GUPTA

..... Petitioner

Through: Petitioner in person

versus

THE DIRECTOR OF EDUCATION ORS

..... Respondents

Through: Ms. Avnish Ahlawat, Standing Counsel (DOE) with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advs. for DOE
Mr. Anurag Lakhotia and Mr. Udit Dwivedi, Advocates for R-2

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+ W.P.(C) 9933/2015, CM APPL. 24135/2015, CM APPL. 22640/2020 & CM APPL. 34315/2022

R.S. GUPTA

..... Petitioner

Through: Petitioner in person

versus

HON'BLE LIEUTENANT GOVERNOR GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD with Ms. Arshya Singh, Mr. Aakash Dahiya, Mr. Yash Upadhyay and Mr. Siddhant Dutt, Advs. for R-1 to R-5.

Mr. Parvinder Chauhan and Ms. Aakriti Garg, Advs. for R-6 to R-8

Ms. Avnish Ahlawat, Standing Counsel (DOE) with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish



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Sehrawat, Advs. for DOE

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+ W.P.(C) 6148/2017

DR. R S GUPTA

..... Petitioner

Through: Petitioner in person

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD with Ms. Arshya Singh, Mr. Aakash Dahiya, Mr. Yash Upadhyay and Mr. Siddhant Dutt, Advs. for R-1 to R-3.

Mr. Parvinder Chauhan and Ms. Aakriti Garg, Advs. for R-6 to R-8

Ms. Avnish Ahlawat, Standing Counsel (DOE) with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advs. for DOE

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+ W.P.(C) 58/2018, CM APPL. 283/2018 & CM APPL. 7452/2018

DR. R.S. GUPTA

..... Petitioner

Through: Petitioner in person

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD with Ms. Arshya Singh, Mr. Aakash Dahiya, Mr. Yash Upadhyay and Mr. Siddhant Dutt, Advs. for R-1 to R-3.

Mr. Parvinder Chauhan and Ms. Aakriti Garg,



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Adv. for R-6 to R-8
Ms. Avnish Ahlawat, Standing Counsel (DOE)
with Mr. Nitesh Kumar Singh, Ms. Laavanya
Kaushik, Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Adv. for DOE

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+ W.P.(C) 7404/2018, CM APPL. 28296/2018, CM APPL. 29506/2019,
& CM APPL. 29507/2019

DR R S GUPTA Petitioner

Through: Petitioner in person

versus

GOVT OF NCT OF DELHI & ORS Respondents

Through: Ms. Avnish Ahlawat, Standing
Counsel (DOE) with Mr. Nitesh Kumar Singh,
Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Adv. for DOE
Mr. Parvinder Chauhan and Ms. Aakriti Garg,
Adv. for R-4 & R-5

6

+ W.P.(C) 10478/2019 & CM APPL. 43335/2019

DR. R. S. GUPTA Petitioner

Through: Petitioner in person

versus

GOVT OF NCT OF DELHI & ORS Respondents

Through: Ms. Avnish Ahlawat, Standing
Counsel (DOE) with Mr. Nitesh Kumar Singh,
Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Adv. for DOE
Mr. Parvinder Chauhan and Ms. Aakriti Garg,
Adv. for R-4 & R-5



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+ W.P.(C) 12339/2022, CM APPL. 37056/2022 & CM APPL. 12954/2024

DR. R. S. GUPTA

..... Petitioner

Through: Petitioner in person

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Ms. Latika Chaudhary, Adv. for R-1
Ms. Avnish Ahlawat, Standing Counsel (DOE)
with Mr. Nitesh Kumar Singh, Ms. Laavanya
Kaushik, Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Advs. for DOE
Mr. Parvinder Chauhan and Ms. Aakriti Garg,
Advs. for R-5 & R-6

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

19.03.2024

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(The proceeding has been conducted through Hybrid Mode)

1. Dr. Gupta, petitioner appearing in person submits that he was declared as surplus at the post of PGT (English) in the D.A.V. Senior Secondary School, Chitra Gupta Road, New Delhi on 16.08.2005. Thereafter, he was transferred to D.A.V. Senior Secondary School, No.01, Gandhi Nagar, Delhi on 02.09.2005. When the petitioner had joined school at Gandhi Nagar, subsequently in the year 2009-2010, the post of PGT (English) was reintroduced in the parent school i.e. D.A.V. Senior Secondary School, Chitra Gupta Road, New Delhi between 2009-2010 *vide* the Post Fixation Order dated 21.06.2010.



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2. Petitioner submits that in case the said document is to be believed, the post of PGT English Lecturer which was hitherto before abolished whereby the petitioner himself was declared surplus was restored and thus, by virtue of provision under sub-rule (3) of Rule 47 of DSER, 1973, the petitioner has a right to be re-absorbed in his parent school.

3. On a query, Ms. Ahlawat, learned Standing Counsel for the respondent/DOE invites attention of this Court to the affidavit filed by Ms. Sangita Deswal on behalf of the Department, whereby at page 2, the tabulated format of the events from petitioner's employment, declaration of surplus and transfer to various schools have been succinctly given. According to her, para 4 encloses therewith declared posts sanctioned and posts filled from the year 2003-2004 till the date of the filing of the affidavit dated 18.09.2021. According to her, in the years 2009-2011 till 2017-2018, one additional post had been created however which was filled up in the year 2012-2014. She further submits that as on date, according to the said affidavit, there is only single post available on which incumbent is already employed.

4. After hearing the preliminary submissions of Mr. Gupta, petitioner appearing in person and Mrs. Ahlawat, learned Standing Counsel, it appears apposite to direct the Directorate of Education as also the respondent no.2 school to file a short affidavit as to when the said post was recreated/reintroduced and the manner in which it was filled up.

5. The affidavit shall also disclose as to how the petitioner was not entitled to be re-absorbed in the parent school once the post of PGT



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English Lecturer was recreated. Let the same be filed within four weeks with an advance copy to the petitioner. Petitioner may file a response thereto within four weeks thereafter.

6. List on 21.08.2024.

TUSHAR RAO GEDELA, J

MARCH 19, 2024/ns