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(2009) 05 DEL CK 0348

In the Delhi High Court

Case No : LPA 82 of 2009 and C.M. No''s. 2387-88 of 2009

Ms. Indira Choudhary — APPELLANT

Vs

Director of Education and Others — RESPONDENT

Date of Decision : 11-05-2009

Acts Referred:
Delhi School Education Act, 1973 — Section 10

Citation : (2009) 05 DEL CK 0348

Hon'ble Judges : A.P. Shah, C.J;Neeraj Kishan Kaul, J

Bench : Division Bench

Advocate : N.M. Popli, for the Appellant; Jyoti Singh, Ankur Chhibbar for Respondent No. 1 and Sanjeev Sabharwal for MCD, for the Respondent

Final Decision : Disposed Off

Judgement

1. The appellant (original petitioner in the writ petition) is aggrieved by the order of the learned Single Judge dated 15th July, 2008. The narrow factual matrix of the present case is as follows:

2. The appellant had filed a writ petition seeking inter alia amongst other reliefs, the relief for payment of the same pay and allowances as contemplated u/s 10 of the Delhi School Education Act, 1973 (hereinafter referred to as the ''Act''). The appellant relied on a decision of the Division Bench of this Court in LPA No. 5 of 2000 dated 12th July, 2002. In that case, some teachers of the respondent school had filed a petition that though the respondent school had been granted recognition by the Municipal Corporation of Delhi (in short ''MCD'') and inspite of the recognition being granted to the ''Nursery Wing'' of the school, the respondent school was not giving to its teachers the pay scales and allowances as granted to employees of other recognized unaided schools. As per the teachers, who were parties in that petition, the respondent school was violating the provisions of Section 10 of the Act by denying them the appropriate scales of pay and allowances.

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3. The learned Single Judge in the writ petition and the Division Bench in the LPA No. 5 of 2000 held that a plain reading of Section 10 of the Act made it clear that the employees of a recognized private school were entitled to the same scale of pay and allowances which were granted to employees of a school having a corresponding status. The Division Bench, accordingly, upheld the order of the learned Single Judge granting relief to the teachers who were parties in that matter.

4. In the present petition, the learned Single Judge took note of the fact that the appellant claimed to be employed as Head Mistress in the respondent school and her grievance is that she had not been paid her full salary. The learned Single Judge also took note of the fact that inspite of being informed by the Director of Education that the Grievances Redressal Authority has to be the MCD, the appellant had not invited any administrative decision from the MCD. The appellant was directed to approach the MCD pointing out to them the grievances of the appellant. It was also stated in the order that if the appellant failed to get necessary relief from MCD, it would be open for the appellant to approach this Court for appropriate reliefs in accordance with law. The MCD was directed to consider the representation of the appellant, if she were to file one, in accordance with law and pass appropriate orders.

5. Today, during the course of hearing, the Learned Counsel for the appellant fairly submitted that appellant would make a representation to the MCD within 15 days from today for considering her case on parity of pay scale. In view of this, the MCD is directed to consider the representation of the appellant and pass appropriate orders in accordance with law within two months from the date the representation is made.

6. In view of what is stated hereinabove, nothing further survives in the present appeal and the same is accordingly disposed of in the above stated terms. The pending application also stands disposed of.

7. A copy of this order be given dasti to Learned Counsel for the parties.

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