

(2020) 06 DEL CK 0024

In the Delhi High Court

Case No : Civil Writ Petition No. 3345 Of 2020

Ritu Hooda

APPELLANT

Vs

Directorate Of Education & Ors

RESPONDENT

Date of Decision : 04-06-2020

Acts Referred:

Citation : (2020) 06 DEL CK 0024

Hon'ble Judges : Jyoti Singh, J

Bench : Single Bench

Advocate : Shanti Devi Raman, Avnish Ahlawat, N.K. Singh, Palak Rohmetra

Final Decision : Disposed Of

Judgement

Jyoti Singh, J

CM APPL. 11793/2020

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

CM APPL. 11792/2020

In view of the reasons stated in the Application, the same is disposed of with a direction to the Applicant to file signed and duly attested affidavits with the petition and to pay the requisite court fee within a period of one week of lifting of the lockdown.

Application stands disposed of.

W.P.(C) 3345/2020 & CM APPL. 11791/2020

1. Hearing has been conducted through Video Conferencing.
2. Present petition has been filed by the Petitioner who had joined Respondent No. 3/School on 13.08.2018 in the post of P.E.T., pursuant to an appointment

letter dated 31.07.2018, placing her on probation for a period of one year. Petitioner avers that soon after her joining, she was also made to fill up the forms under the New Pension Scheme as well as for HRA. An Employee ID number was also allotted and online account was created by the Directorate of Education/Respondent No. 1.

3. Learned counsel for the Petitioner submits that from the date of the joining of the Petitioner till November 2019, Respondent No. 3 did not release her salary. Subsequently, when representations were made, the salary was released. It is further submitted that from December 2019 till date again no salary has been paid to the Petitioner, despite the fact that she has been regularly working in School.

4. Issue notice.

5. Mrs. Avnish Ahlawat, learned Standing Counsel enters appearance and accepts notice on behalf of Respondent Nos. 1 and 2. Learned counsel draws the attention of the Court to an order dated 20.05.2020 filed along with the petition as Annexure P-8. She points out that the said order relates to an employee similarly placed as the Petitioner in the same School. Mrs. Ahlawat further points out that the entire selection process stands vitiated and the final orders for cancellation of the selection are likely to be passed.

6. Ms. Raman, however, submits that the Petitioner had been appointed through a regular process of selection and, therefore, any cancellation of the process would be illegal.

7. The Petitioner in the present petition has only prayed for release of her salary/emoluments from December, 2019 till date and the issue of cancellation of the selection process, in future, is not the subject matter of the present Writ Petition.

8. It is, however, undisputed by Mrs. Ahlawat that the Petitioner was engaged in 2018 and has rendered her services. In view of this, Petitioner cannot be deprived of her salary and other emoluments due to her from December 2019 till date. Taking into account the facts and circumstances, Respondent Nos. 1 to 3 are directed to ensure that the salary and other emoluments due to the Petitioner are released within a period of 30 days from today.

9. The order passed by this Court today is, however, without prejudice to the rights of either party in any proceedings regarding the selection process.

10. Petition is disposed of along with the pending application in the aforesaid terms.