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

+ LPA 762/2023

RENU ARORA AND OTHERS

..... Appellants

Through: Mr. Ashok Agarwal, Mr. Anuj Aggarwal, Ms. Ashna Khan, Mr. Kumar Utkarsh and Mr. Manoj Kumar, Advocates.

versus

ST. MARGARET SENIOR SECONDARY SCHOOL & ANR.

..... Respondents

Through: Mr. Kamal Gupta, Mr. Manish Vashist, Ms. Kriti Gupta and Mr. Sparsh, Aggarwal, Advocates for R-1. Mr. Yeeshu Jain, Additional Standing Counsel along with Ms. Jyoti Tyagi, Ms. Manisha and Mr. Hitanshu Mishra, Advocates for R-2.

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

**24.11.2023**

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**CM APPL. 60927/2023 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Accordingly, the present application stands disposed of.

**LPA 762/2023 & CM APPL. 60926/2023**

3. Present appeal has been filed by the appellants challenging the judgment and order dated 17<sup>th</sup> November, 2023 passed by a learned Single



Judge of this Court in W.P.(C) 14929/2022, whereby GNCTD was directed to constitute two committees to supervise the implementation of recommendations and guidelines prescribed in the 6<sup>th</sup> and 7<sup>th</sup> Central Pay Commission (“CPC”) with regard to salary and other benefits.

4. Learned counsel for the appellants states that there is no justification for sending the appellants’ case to the proposed Committees as respondent-Directorate of Education in this case has already passed orders. He points out that this Court vide order dated 16<sup>th</sup> February, 2022 passed in W.P.(C) 2905 of 2022, W.P.(C) 2919 of 2022 and W.P.(C) 3039 of 2022 directed the Directorate of Education to decide the cases of the appellants by passing speaking orders. When respondent- Directorate of Education did not pass any order, appellants filed contempt petition being Cont. Case (C) 906/2022. After the said petition was filed, the respondent- Directorate of Education passed an order on 9<sup>th</sup> September, 2022 but the same was not implemented by the respondent-school. This inaction led to the filing of the underlying writ petition.

5. Learned counsel for the appellants states that the constitution of committees is beyond the powers of a writ court under the Constitution of India. The Committees constituted are more or less an adjudicatory body with powers to decide the fees and conclude that the school is not in a position to pay the 6<sup>th</sup> and 7<sup>th</sup> CPC. Secondly, it has given the powers to declare the appointment of any teacher as illegal. According to him, such Committees in law can only be created by the legislation and not in the manner as has been done by the impugned judgment and order. He lastly states that the Committees are unnecessary and unworkable.



6. Issue notice. Mr. Kamal Gupta, Advocate accepts notice on behalf of respondent no.1 and Mr. Yeeshu Jain, learned ASC accepts notice on behalf of respondent no.2. They pray for and are permitted to file their reply affidavits within four weeks. Rejoinder affidavits, if any, be filed before the next date of hearing.

7. List on 15<sup>th</sup> January, 2024.

8. Till further orders, there shall be a stay of paragraphs 200, 204 and 205 of the impugned judgment and order.

**ACTING CHIEF JUSTICE**

**MINI PUSHKARNA, J**

**NOVEMBER 24, 2023**

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