

Ashok Kumar and Another Vs Air Force Senior Secondary School and Others

Court: Delhi High Court

Date of Decision: July 31, 2013

Citation: (2013) 7 AD 81

Hon'ble Judges: Valmiki J Mehta, J

Bench: Single Bench

Advocate: Ashok Aggarwal, for the Appellant; M.K. Bhardwaj, for R-1 and 2, for the Respondent

Final Decision: Allowed

Judgement

Valmiki J Mehta, J.

By this writ petition, petitioners, who are parents of wards studying in the respondent no. 1-school/Air Force Senior

Secondary School seek directions for filling up of various vacant posts of teaching and non-teaching staff in the respondent no. 1-school. Counsel

appearing for the respondent no. 1-school does not dispute the position that there are vacant posts but he states that formal sanction for filling up

of the posts have to come from the respondent no. 3-Director of Education inasmuch as respondent no. 1 is an aided school i.e. 95% of the

finances come from the Government of NCT of Delhi through the Director of Education to the respondent no. 1-school.

2. A reading of the counter-affidavit filed by the respondent no. 3-Director of Education shows that all that is stated is that the Managing

Committee/Head of the school has to submit appropriate proposals in accordance with the requirements and whereafter the approval would be

given to the filling up of the posts in accordance with the necessary circulars and rules.

3. It is therefore clear that there is no dispute that certain vacant posts exist and they have to be filled in. For filling of the same, the respondent no.

1 will have to forward the requisite proposal alongwith the necessary documents to the respondent no. 3 and that proposal will be processed by

the respondent no. 3 in accordance with law and thereafter appropriate sanction would be given or other appropriate decision would also be

taken.

4. I note that the counsel for respondent no. 1 has stated before this Court that various proposals have already been given by the respondent no. 1

to the respondent no. 3 since the year 2009, however, the same are not filed on the record of the Court.

5. The present writ petition is therefore disposed of with the direction that the Managing Committee or Manager of the School or whichever is the

correct authority will send the proposal to the respondent no. 3 for filling up of the various vacant posts in the respondent no. 1-school i.e. teaching

posts or the non-teaching posts. The proposal must contain the necessary requirements, and be accompanied by the requisite documents.

Respondent no. 1 shall make the necessary proposal/recommendation in accordance with the rules to the respondent no. 3 for appointment to the

vacant posts within a period of six weeks from today. Respondent no. 3 on receipt of such request, will process the request, and thereafter

positively within a period of three months, pass appropriate orders. The writ petition is allowed and disposed of in terms of the above directions,

leaving the parties to bear their own costs.