


Signing Date: 20.01.2025 17:04:57
 Certify that the digital and physical file have
 the same content and the digital data is as per
 the physical file and no page is missing.

Sr. No.	Date	Orders
		<p>has received all her dues from the petitioner No.1 school and has executed receipt in acknowledgement of said fact. The receipt is annexed as annexure A to this application. The respondent No.1 had joined duties under the petitioner No.1 but being surplus, accepted said fact, and accepted that the action of the petitioner No.1 in declaring her surplus.</p> <p>4. That the respondent No.1 has accepted cessation of service under the petitioner No.1.</p> <p>5. That the petitioner and respondent No.1 submit pursuant to the settlement between the parties, the orders of the Delhi School Tribunal stand satisfied and implemented."</p> <p>It appears that in July 1998 respondent No.2 school started secondary classes and applied to respondent No.1 for upgradation and recognition of the same. The petitioner has filed the present petition alleging that the petitioner was recalled to join and was re-absorbed by respondent No. 2 in the school on 29th July, 1998. It is also stated that the statement of staff was sent on 3.7.1999 including the name of the petitioner. Reminders were sent by respondent No.2 to respondent No.1 for relaxation of the age for absorption of the petitioner and release of grant in aid since respondent No.2 is an aided school. It is alleged in the writ petition that on re-opening after the summer vacation the school refused to give duties</p>

Sr. No.	Date	Orders
		<p>to the petitioner and the petitioner after issuing the legal notice has approached this Court.</p> <p>In the counter affidavit and the additional affidavit filed by respondent No.2, it is stated that the petitioner had herself offered her services to the school on the clear understanding that she would be paid the salary only after it is aided by the department. A copy of the letter dated 11.7.1998 of the petitioner to the said effect has been enclosed as Annexure R2/2. It is further stated that though respondent No.2 has been asking respondent No.1 for absorption of the petitioner, the permission has not been granted by respondent No.1. Respondent No.1 in its counter affidavit has stated that they were not party to the compromise in the earlier writ petition and are not bound by the same. It is also stated that Shri Hanuman Mandir Society is running two schools and the petitioner had joined the un-recorganised and un-aided school.</p> <p>It is relevant to note that the petitioner has not even mentioned the important document which is letter dated 11.7.1998 which formed the basis of her permission to teach in respondent No.2 school. The English translation of the said letter is as under :</p> <p>"It is requested that I wish to teach</p>

Sr. No.	Date	Orders
		<p>Hindi and Social Studies in your school to Ninth Class which has recently been started. I shall continue to teach without salary till my aid is not received from the Department. My education qualification is M.A. (Eco) & B.Ed. I have 20 years experience of teaching. I am also working in your educational institution since last six years. I am successfully teaching the Primary Classes.</p> <p>I hope you will oblige me by giving me an opportunity to work.</p> <p>The petitioner thus has full knowledge of what she was proceeding to do and had volunteered to teach on a honorarium basis till such time aid was received from the department. This is a material fact which is not mentioned in the writ petition and the petitioner is clearly guilty of suppressing this material fact. In my considered view on this ground alone the petitioner is dis-entitled to any relief.</p> <p>It may further be noted that admittedly no aid is being received by respondent No.2 from respondent No.1 in respect of the petitioner, possibly because the petitioner is over age. The very basis on which the petitioner started working again in pursuance to the letter dated 11.7.1998 was the possibility of aid being received from respondent No.1 department which has not occurred. Thus in my considered view for this reason also the petitioner is not entitled to any relief.</p>

Sr. No.	Date	Orders
		<p data-bbox="414 282 1469 458">In view of what has been stated above, I find no reason to interfere under Article 226 of the Constitution of India.</p> <p data-bbox="544 482 738 529">Dismissed.</p> <p data-bbox="1088 505 1299 552"></p> <p data-bbox="1006 552 1412 588">SANJAY KISHAN KAUL, J</p> <p data-bbox="414 588 690 623">APRIL 16, 2002</p> <p data-bbox="414 623 462 658">mb</p>