

\$~A-12

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

+ W.P.(C) 8145/2020

NEERAJ DUBEY

..... Petitioner

Through: Mr. Anuj Aggarwal and Mr. Tenzing
Thinlay Lepcha and Mr. Saurabh Ahuja,
Advocates

versus

MODERN SCHOOL & ANR.

..... Respondents

Through: Mr. Latika Chaudhary, Adv. for R-2

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **19.10.2020**

Hearing has been conducted through Video Conferencing.

C.M. 26431/2020 (Exemption)

Allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 8145/2020 and C.M. 26430/2020

Petitioner herein was appointed as a Yoga Instructor in SMYM Kaivalyadhama, Lonavla, Pune on 07.07.2004, which is a private Institute aided by the Ministry of HRD, Government of India. In January 2006, Petitioner was sent to Modern School/Respondent No.1 on deputation as a Yoga Instructor for a period of one year. On 29.01.2007, the Petitioner was released from the services of Modern School and thereafter in April 2007, was directly appointed as a Yoga Instructor by Respondent No.1/ School.

It is a case of the Petitioner that the Petitioner has been continuously

working in the School since 2007 without any complaint and an unblemished service record and continues to do so at present.

Through the present petition, Petitioner seeks a direction to Respondent No.1 to consider his candidature for regularization / confirmation on the post of Yoga Teacher as well as benefits of the 6th and 7th Central Pay Commission in terms of Section 10 of the Delhi School Education Act, 1973.

Mr. Anuj Aggarwal learned counsel for the Petitioner relies on a judgement passed by this court recently in *Mangal Sain Jain vs. Principal, Balvantray Mehta Vidya Bhawan and Ors.*, being W.P.(C) 3415/2012, decided on 10.08.2020 to substantiate his argument that the petitioner having worked for so long continuously since 2007 is entitled to regularization.

Issue notice.

Ms. Latika Chaudhary accepts notice on behalf of Respondent No.2.

Counter Affidavit be filed within six weeks from today. Rejoinder thereto, if any, be filed before the next date of hearing.

Issue notice to Respondent No.1, returnable on 28.01.2021.

Petitioner shall serve Respondent No.1 through electronic mode.

JYOTI SINGH, J

OCTOBER 19, 2020

yg