



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

% ***Date of decision: September 16, 2025***

+ **CONT.CAS(C) 693/2020**

ANURADHA SHARMA & ORS.

.....Petitioners

Through: Mr. Parv Garg, Mr. Pawan
Kulshrestha and Mr. K.S. Rekhi,
Adv.

Versus

S.V.R. CHANDRA SEKHAR & ANR.

.....Respondents

Through: Ms. Avnish Ahlawat, SC with Mr.
Ankur Mishra, Adv. for Delhi
Cantonment Board.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (Oral)

1. By virtue of the present petition, the petitioners seek the following reliefs:

“(i) Pass an order thereby initiating contempt proceedings under Section 11 & 12 of Contempt of Courts Act, 1971 against the respondents for wilful non-compliance of directions issued in judgment dated 15.01.2014 passed by this Hon’ble Court in W.P. (C) No. 614/2010 which was upheld and partially modified by order dated 20.08.2020 passed by the Hon’ble Supreme Court in Civil Appeal No. 2970/2020; AND

(ii) Pass an order directing respondents to comply with the directions issued by this Hon’ble Court in judgment dated 15.01.2014 and thereby affix seniority of petitioners in the grade of TGT from the year 1992 and release payment of arrears of pay and allowances from the year 2007, in a time bound manner; AND

(iii) Impose heavy cost and compensation on the respondents for



compelling petitioners to approach this Hon'ble Court; OR

(iv) Issue any other order the Hon'ble Court may deem fit in the light of justice, equity and good conscience."

2. The facts, in brief, leading to filing of the present petition are that the petitioners were appointed as Assistant Teachers in schools run by the Delhi Cantonment Board (**Board**) between the years 1984 to 1991, which at that time, was up to the Primary level only. On 04.04.1992, the Directorate of Education (**DoE**) granted recognition to these schools then Primary Schools of the Middle level and subsequently, in the year 2003, they were further upgraded to Secondary level. Since only a Trained Graduate Teacher (**TGT**) was qualified to teach at the Middle and Secondary levels, the petitioners at the behest of the respondents, were teaching at Middle and Secondary levels.

3. *Vide* order dated 13.10.2005, the Board promoted 28 teachers, including the petitioners herein, to the post of TGT w.e.f. 01.09.2005, however, they were denied the arrears or benefits of past service despite having been discharging the duties of TGT since 1992. Aggrieved thereby, few similarly placed teachers as the petitioners herein approached this Court in W.P.(C) 758/1995, which was allowed vide order dated 27.04.2009 directing the respondents therein to pay to the petitioners therein the arrears on the scale of TGT w.e.f. 14.09.1992 and further directed the respondents therein to consider the petitioners therein for promotion with due benefit of past service. Similarly, another batch of similarly placed teachers also approached this Court by way of W.P.(C) 1551/1995, which was also allowed vide a separate judgment dated 22.03.2010.



4. Thereafter, the petitioners herein made representations to the respondent no.1 seeking extension of the aforesaid benefits to them as well, however, vide letter of 01.09.2009, the respondent no.1 rejected the same. As such, the petitioners filed W.P.(C) 614/2010 before this Court seeking directions to the respondents therein to grant arrears of salary as TGT w.e.f. 14.09.1992 along with promotion and all consequential benefits.

5. Meanwhile, the Board also preferred an appeal against the aforesaid judgment dated 27.04.2009 passed by a learned Single Judge of this Court in W.P.(C) 758/1995 and the judgment dated 22.03.2010 passed in W.P.(C) 1551/1995 by filing LPA 434/2009 and 403/2010. The said appeals, along with the writ petition of the present petitioners i.e. W.P.(C) 614/2010, were all taken together and decided by the Hon'ble Division Bench of this Court by way of a common judgment dated 15.01.2014 holding as under:

“33. Having considered the above circumstances, this Court is of the opinion that failure of the Board to secure or grant sanctions for the posts immediately after up-gradation or within reasonable time after 1992 has resulted in arbitrary and unfair consequences to all categories of teachers. This has been further compounded by the second up-gradation made in 2003. The sanction given by the 2005 orders is only in respect of 41 posts of TGTs. As to which of the teachers, existing as of 1992 were entitled to hold these posts cannot be decided in these circumstances. Having regard to these peculiar facts, the Court is of the opinion that a comprehensive exercise firstly involving analysis of the number of teachers existing in all the six schools as of 1992, determining who of them were entitled to be treated as TGTs having regard to the norms in the Acts and Rules have to be first undertaken. This would be best done with the involvement and consultation of the DoE. The second step would be to draw the seniority list of TGTs not merely based upon their length of continuous service but the eligibility of those entitled to be considered as TGTs (crucial and determinative cut-off date



being 14.09.1992, i.e. the date of up-gradation of three schools). If on that date, having regard to the number of posts of TGTs required by the norms is less than those entitled and eligible to hold such posts, the seniority would be determined in accordance with the date of first entry into the Board's service regardless of whichever school the incumbent is employed in. While doing so, the Board and the DoE shall keep in mind that for the post of TGT if the incumbent was qualified as on 14.09.1992, and had the requisite seniority, then alone would he or she would be entitled to be treated as such. If the teachers concerned had necessary seniority but not the educational qualification she or he would not be treated as a TGT but would continue to be borne in the cadre of Assistant Teachers. The third exercise would be notionally fix-up the scale of all those entitled to be considered as TGTs in that grade and pay the benefits from a date to be later determined by the Board. This direction is being issued having regard to the fact that a limited number of employees and teachers had, i.e. the respondents had approached the Court and others approached the Court much later in 2010. In the circumstances, even if the fixation and fitment (of salary) is made with effect from much anterior date, arrears of pay and allowances would be given only from the date the writ petition, W.P.(C) 614/2010 was filed. Thus, as regards those respondents (in the appeals preferred by the Board) who had approached this Court earlier, their entitlement to arrears, according to the impugned judgment, is left undisturbed. Finally, the Court also directs the DoE and the Board to carry-out a similar exercise in respect of determination of posts with regard to the cadre of PGTs, decide the seniority and entitled to hold such posts, having regard to the rules for filling-up such posts, framed by the Administrator under the Act and Rules.

34. This Court hereby directs that at the stage of deciding the allocation of posts and seniority, a draft list be prepared inviting comments and objections of all concerned. Thereafter, the necessary final orders, in compliance with the above directions should be made.

35. This Court is of the opinion that having regard to the vital role played by the teachers, especially in the light of the Fundamental Right to Education guaranteed under Article 21A of the Constitution of India, and the newly enacted Right to Education Act, the delay by the executive agencies, including the Board in regard to settling the terms of employment of teachers or even delaying the recruitment of teachers cannot but have grave and adverse impact upon the quality of education. Whilst the executive



agencies, such as the Board are bound by Articles 14 and 16 of the Constitution and do grant pay scales that are prescribed by law or rules, at the same time, it is essential that equal importance is given to the further conditions of service of such of the teachers who continue to discharge their duties and functions as in the present case, for more than two decades. The unsettled nature of their service conditions – evidenced by the grant of sanction for the posts 13 years after the scales were upgraded is a telling and regrettable circumstance. If the Board had given due priority to these aspects and determined all the conditions, such as allocation of the cadre, sanction of posts, allocation of posts to those eligible and entitled, fixation of pay scales within reasonable time of an year or 2-3 years, this litigation would not have continued to linger and engage the Courts for the last 18 years. Yeats said that “education is not the filling of a pail but the lighting of a fire.” We ignore, at our peril, that teachers are professionals, who are to play a pivotal role in the inherent dynamism which manifests every generation, which dictates change on a day to day basis and compels transformation in the way we lead our lives. The Board appears to have done that all this while. We hope this is a wake-up call, to remedy the situation, so that teachers go about their job, unworried about their career prospects and secure about their employment.

36. The appeals are accordingly partly allowed in the light of the above directions which shall be complied with by the Board in consultation with the DoE, within a period of three months. The respondents’ entitlement to the arrears of salary directed by the impugned judgment is not in any manner disturbed, and those directions are hereby affirmed. The two letters patent appeals, LPA 434/2009, LPA 403/2010 and the writ petition, W.P.(C) 614/2010 are disposed off in terms of the above directions. There shall be no order as to costs.”

6. Being aggrieved, the petitioners preferred a Special Leave Petition being SLP No.24912/2014 before the Hon’ble Supreme Court, wherein the judgment dated 15.01.2014 of the Hon’ble Division Bench was modified vide order dated 20.08.2020 of the Hon’ble Supreme Court to the limited extent that arrears of pay and allowances would be payable from three years preceding filing of W.P.(C) 614/2010 i.e., from 2007, instead of from the date of filing of the writ petition.



7. Since the respondents were not acting pursuant thereto, the petitioners approached this Court by way of the present petition alleging non-compliance of the judgment dated 15.01.2014 passed by the Hon'ble Division Bench of this Court and as affirmed by the Hon'ble Supreme Court vide order dated 20.08.2020. It is the case of learned counsel for the petitioners that with regard to seniority and grant of TGT status, the Hon'ble Division Bench has made no distinction between the present petitioners and other writ petitioners and therefore the respondents were required to fix the seniority of the petitioners as TGT w.e.f. 14.09.1992, however, they have failed to do so.

8. Learned counsel for the petitioners further submits that despite the petitioners being similarly placed as other teachers, and were also performing the duties of TGT since 1992, the petitioners have been subjected to different treatment by the respondents, more so, since the respondents, on their own, issued a draft seniority list dated 04.08.2014 comprising two categories of teachers being Assistant Teachers who were eligible for the post of TGT on 14.09.1992 and Teachers who were promoted to TGT w.e.f. 13.10.2005 and barring petitioner no.3, all petitioners herein were placed in the latter category. Accordingly, learned counsel for the petitioners submits that such a classification is against the directions issued by the Hon'ble Division Bench vide judgment dated 15.01.2014 and as affirmed by the Hon'ble Supreme Court.

9. *Per contra*, learned counsel for the respondents submits that the Hon'ble Division Bench of this Court has declined to extend the relief granted in two earlier writ petitions i.e., grant of TGT pay scale w.e.f. 1992 to the present petitioners. Moreover, she submits that the Hon'ble



Division Bench of this Court had held that arrears of pay and allowances were to be given from the date of filing of the present petition and that the entitlement of the petitioners herein to pay fixation as TGT w.e.f. 14.09.1992 would not be automatic but will be subject to the criteria laid down by the Court which are:

- i. To identify the number of teachers eligible to hold the post of TGT as on 14.09.1992 on the consultation of DOE.
- ii. To draw seniority list of teachers who are eligible to be considered as TGT as on 14.09.1992.
- iii. To notionally fix up scale of all those entitled to be considered as TGT on 14.09.1992 in that grade and pay the benefit from the date to be later determined by the board.

10. Learned counsel for the respondents also submits that the aforesaid directions of this Court have already complied with. Moreover, in pursuance thereof, the respondents have prepared draft seniority list dated 04.08.2014, comprising of two categories of teachers: *(i)* Assistant teacher who were eligible for the post TGT on 14.09.1992 and *(ii)* teacher who were promoted w.e.f. 13.10.2005 to the TGT.

11. Learned counsel for the respondents further submits that barring petitioner no.3, Smt. Rajinder Kaur, none of the petitioners were found eligible to the post of TGT as on 14.09.1992. It was further submitted that the petitioners, except petitioner no.3, had also filed objections to the said draft seniority list, which, after affording them personal hearing, were disposed of by the erstwhile Chief Executive Officer of the Delhi Cantonment Board vide separate orders dated 05.09.2014, holding that the



petitioners were not qualified for the post of TGT as on 14.09.1992.

12. Learned counsel for the respondents then submits that the petitioners herein had already been granted the scale of TGT much prior to the year 2007 i.e., in the year 2005 itself, by virtue of Assured Career Progression upon completion of 12 years from their initial date of appointment. Consequently, there remains no arrear of pay and allowance *qua* the petitioners, and therefore, the petitioners have been given all benefits and dues in terms of the aforesaid orders dated 15.01.2014 and 20.08.2020, and the said orders stand duly complied with by the respondents.

13. In view thereof, learned counsel for the respondents submits that the present contempt petition is *per se* not maintainable, much less, since there is no wilful disobedience by the respondents.

14. This Court has heard learned counsel for the parties as also perused the documents on record.

15. For maintaining an action for civil contempt like the present one, anyone alleging contempt is required to satisfy this Court that there existed a “*wilful disobedience*” in terms of *Section 2(b)* of the Contempt of Courts Act, 1971 (**CC Act**) for an alleged violation of the judgment/ order/ decree/ direction/ writ/ other process of a Court/ an undertaking given to a Court by the alleged defaulting party against whom the contempt is alleged. Sans the same, no act can *ipso facto* amount to contempt.

16. In fact, the contours of what constitutes a “*wilful disobedience*”, have been repeatedly settled by the Hon’ble Supreme Court and High Courts from time to time. The Hon’ble Supreme Court in ***Hukum Chand Deswal v. Satish Raj Deswal*** [(2021) 13 SCC 166], has recently held as



under:

“20. At the outset, we must advert to the contours delineated by this Court for initiating civil contempt action in Ram Kishan v. Tarun Bajaj. In paras 11, 12 and 15 of the reported decision, this Court noted thus :

“11. The contempt jurisdiction conferred on to the law courts power to punish an offender for his wilful disobedience/contumacious conduct or obstruction to the majesty of law, for the reason that respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen that his rights shall be protected and the entire democratic fabric of the society will crumble down if the respect of the judiciary is undermined. Undoubtedly, the contempt jurisdiction is a powerful weapon in the hands of the courts of law but that by itself operates as a string of caution and unless, thus, otherwise satisfied beyond reasonable doubt, it would neither be fair nor reasonable for the law courts to exercise jurisdiction under the Act. The proceedings are quasi-criminal in nature, and therefore, standard of proof required in these proceedings is beyond all reasonable doubt. It would rather be hazardous to impose sentence for contempt on the authorities in exercise of the contempt jurisdiction on mere probabilities. (Vide V.G. Nigam v. Kedar Nath Gupta, Chhotu Ram v. Urvashi Gulati, Anil Ratan Sarkar v. Hirak Ghosh, Bank of Baroda v. Sadruddin Hasan Daya, Sahdeo v. State of U.P. and National Fertilizers Ltd. v. Tuncay Alankus .)

12. Thus, in order to punish a contemnor, it has to be established that disobedience of the order is “wilful”. The word “wilful” introduces a mental element and hence, requires looking into the mind of a person/contemnor by gauging his actions, which is an indication of one's state of mind. “Wilful” means knowingly intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It excludes casual, accidental, bona fide or unintentional acts or genuine inability. Wilful acts does not encompass involuntarily or negligent actions. The act has to be done with a ‘bad purpose or without justifiable excuse or stubbornly, obstinately or perversely’. Wilful act is to be distinguished from an act done carelessly, thoughtlessly, heedlessly or inadvertently. It does not include any act done negligently or involuntarily. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. Therefore, there has to be a calculated action with evil motive on his part. Even if there is a disobedience of an order, but such disobedience is the result of some



compelling circumstances under which it was not possible for the contemnor to comply with the order, the contemnor cannot be punished. 'Committal or sequestration will not be ordered unless contempt involves a degree of default or misconduct.' (Vide *S. Sundaram Pillai v. V.R. Pattabiraman, Rakapalli Raja Ram Gopala Rao v. Naragani Govinda Sehararao, Niaz Mohammad v. State of Haryana, Chordia Automobiles v. S. Moosa, Ashok Paper Kamgar Union v. Dharam Godha, State of Orissa v. Mohd. Illiyas and Uniworth Textiles Ltd. v. CCE.*)

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*15. It is well-settled principle of law that if two interpretations are possible, and if the action is not contumacious, a contempt proceeding would not be maintainable. The effect and purport of the order is to be taken into consideration and the same must be read in its entirety. Therefore, the element of willingness is an indispensable requirement to bring home the charge within the meaning of the Act. [See *Sushila Raje Holkar v. Anil Kak and Three Cheers Entertainment (P) Ltd. v. CESC Ltd.*]”*

[Emphasis Supplied]

17. The aspect of there existing a “wilful disobedience” in terms of Section 2(b) of the CC Act, is, thus, a necessary element while adjudicating a petition for contempt, since the issuance of a Show Cause Notice therein and imposition of punishment thereafter, has wide ramifications and far-fetching consequences. As such, a court is required to exercise circumspection and proceed further only after being satisfied that there was/ is indeed some violation/ disobedience which was conscious/ deliberate/ wilful on the part of the alleged defaulting party. Consequently, it is incumbent upon the party alleging so to show something to the court worthy of credence.

18. Having said so, where/ if during the course of the proceeding, the alleged defaulting party is able to show/ establish it had acted diligently and taken steps in compliance of the said judgment/ order/ decree/ direction/ writ/ other process of a Court/ an undertaking given to a court,



then the onus shifts upon the party alleging to the contrary to come up with some material on record to show otherwise, especially that there was a “*wilful disobedience*” on the part of the said alleged defaulting party. It is only if the said alleged defaulting party chooses to remain silent and if there is nothing on record to indicate compliance of the said judgment/ order/ decree/ direction/ writ/ other process of a court/ an undertaking given to a court, which is itself sufficient for this Court to raise a reasonable doubt, it can be a case of “*wilful disobedience*” on the part of said alleged defaulting party and thus, be sufficient for issuance of Show Cause Notice to show as to why contempt proceedings be not initiated against it.

19. Needless to say, what constitutes a “*wilful disobedience*” by a party is always dependent upon the facts and circumstances of each individual case, particularly, since there is no straight jacket formulae for determination thereof.

20. Bearing the aforesaid in mind, and advertent to the merit of the present case, it is evident from the record that Hon’ble Division Bench of this Court had only partly allowed the case of the petitioners, and had, in fact, laid down three-step criteria and directed the respondents to consider the case of each petitioners on the touchstone of those criterions. There is no denial to the fact that the respondents, in compliance of the aforesaid direction, published a seniority list dated 04.08.2014, identifying the number of teachers eligible to hold the post of TGT as on 14.09.1992, invited objections thereto, given personal hearing to the petitioners and only thereafter rejected their objections by passing speaking orders on 05.09.2014.



21. It is pertinent to note that the petitioners have feigned ignorance of the said order dated 05.09.2014 as despite having knowledge thereof, kept quiet about it, since it is the case of the learned counsel for the petitioners that no written objections were filed by any of the petitioners. However, today learned counsel for respondents has produced before this Court the original Peon Book maintained by the Delhi Cantonment Board, which is carrying the name and signatures of each of the petitioners herein, to confirm that the petitioners were indeed well aware of the order dated 05.09.2014 dismissing their representations as they were in due receipt of a copy thereof. The same has been perused and returned by this Court as the submissions made by learned counsel for the respondents are well substantiated. In response, learned counsel for the petitioners refutes the signatures therein. However, on a comparison with the signatures of the petitioners on record, this Court has no doubt that they are very much of the petitioners and thus they were aware of the order dated 05.09.2014.

22. In any event, this is a case wherein, *admittedly*, the petitioners have neither challenged the seniority list dated 04.08.2014 nor have challenged the said order dated 05.09.2014 of the erstwhile Chief Executive Officer dismissing their objections. Today, more than *eleven years* have lapsed since then. Not having done so, the petitioners are estopped from seeking any remedy qua it by way of the present contempt petition.

23. Moreover, the petitioners herein, barring petitioner no.3 (who was qualified for the post of TGT as on 14.09.1992) had already been granted the TGT scale in 2005 i.e., well before 2007 as fixed by the Hon'ble Supreme Court vide order dated 20.08.2020.

24. As such, under the aforesaid facts and circumstances, it is clear that



the petitioners have failed to show any cause as to what is/ are the act(s) of contempt(s) by the respondents, if any, which are/ can be covered under the provisions of the CC Act. On the contrary, this Court finds that the directions contained in judgments/ orders dated 15.01.2014 and 20.08.2020 having been already complied with by the respondents, there is no disobedience thereof, and the mere fact that the steps taken by the respondents were not upto the petitioners' expectation/ liking, does not constitute an act of contempt under the CC Act.

25. Therefore, in view of the aforesaid facts and circumstances, this Court is not inclined to issue any order of contempt against any of the respondents, much less, whence no act of the respondents constitutes a "*wilful disobedience*".

26. Accordingly, the present contempt petition is dismissed in the aforesaid terms.

27. At this stage, learned counsel for the petitioners submits that he would be initiating appropriate proceedings *qua* the Circular dated 04.08.2014 and the steps taken by the respondents thereafter, in accordance with law. He is free to do so. It is clarified that this Court has not given any such liberty to the petitioners.

SAURABH BANERJEE, J.

SEPTEMBER 16, 2025/Ab