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

Date of decision: 25.11.2026

\# **CNR No. DLHC011404112009**

\+ CONT.CAS(C) 729/2009, CM APPL. 3728/2011 (For disclosing the details of the amount of arrears), CM APPL. 18477/2011 (Dir.), CM APPL. 18485/2011 (For initiating proceedings for perjury against the respondents), CM APPL. 6453/2012 (For taking on record the submission of petitioners in relation to closure dt. 09.03.2011), CM APPL. 9238/2012 (Dir.) & CM APPL. 22376/2024 (For modification of the order dt. 09.01.2024)

RAJ RANI AND ORS. .....Petitioners

Through: Mr. Shiv Charan Garg and Mr. Imran Khan, Advocates for R-1, R-2, R-4, R-6 and R-7.
Mr. Anuj Aggarwal, Ms. Tanya Rose, Ms. Kritika Matta, Mr. Nikhil Pawar, Mr. Shubham Bahl, Mr. Pradeep Kumar, Ms. Anjali Bansal and Mr. Shakib Malik, Advocates for R-3 and R-5.

versus

YASHOVARDHAN TYAGI AND ORS. .....Respondents

Through: Mr. Atul Wadhera, Advocate for R-1.
Mr. Tanuj Khurana, Advocate for R-3.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (Oral)**

1. The present Contempt Petition has been filed under Sections 11

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and 12 of the Contempt of Courts Act, 1971, seeking initiation of contempt proceedings as against the Respondents for alleged wilful disobedience and non-compliance of the Order dated 15.07.2009 passed by this Court in W.P. (C) 451/2009 titled *"Raj Rani & Ors. v. Directorate of Education & Ors."*.

2. The directions contained in the Order dated 15.07.2009, alleged to have been violated by the Respondents, read as under:

> "In the consequences, it is directed that Respondent No.3 and 4 shall not terminate the services of the Petitioners without following the due process of law and shall continue to pay to the Petitioners their salary and allowances and leave benefits in accordance with law. The Respondent No.3 and 4 are also directed to pay the salary and other allowances to the Petitioners that are outstanding, within a period of one month from today."

3. Learned counsel appearing on behalf of the Petitioners submits that their services were terminated without following the due process of law contemplated under the Delhi School Education Act, 1973, and, therefore, the Respondents have acted in violation of the directions issued by this Court. It is further submitted that the Petitioners were entitled to continue in service until their respective dates of superannuation. Consequently, the salaries payable to them up to the date of their superannuation continue to remain outstanding, as their services were terminated prior thereto.

4. ***Per contra***, learned counsel appearing on behalf of the Respondents submits that the present Contempt Petition is misconceived, particularly in view of the fact that the Petitioners have already availed of the remedies available to them in law in respect of their alleged illegal termination. It is submitted that the Petitioners had earlier instituted W.P.(C) 11248/2009, which was subsequently

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withdrawn, as recorded in the Order dated 18.10.2010, in the following terms:

> "Counsel for the petitioner states, on instructions, that in view of the availability of an alternate remedy under Section 8 of the Delhi School Education Act and Rules, 1973, he wishes to withdraw the present petition without prejudice to the rights and contentions raised therein, and to move the appropriate Tribunal for such relief as he may be entitled.
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> .
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> As regards the limitation mentioned in Section 8 (3) of the Act, since the petitioner had impugned the orders passed on 28th July, 2009 well within the period contemplated under Section 8 (3) of the Act before this Court by way of the instant petition, the said limitation shall not stand in the way of the petitioner?s grievances being considered on merits by the Tribunal in case the same are filed by the petitioner before the Tribunal within two months from today. Counsel for the respondent Nos.1 and 2 also has no objection to this course.
>
> Accordingly, the petition is dismissed as withdrawn in the above terms.
>
> Dasti to counsel for the parties.
>
> CM Appln.Nos.10721, 15176/2009 in WP(C) No.11248/2009
>
> Since the main petition has been dismissed as withdrawn, these applications do not survive and the same are dismissed as such."

5. Learned counsel for the Respondents further submits that, pursuant to the liberty granted by this Court, the Petitioners instituted appropriate proceedings under Section 8(3) of the Delhi School Education Act, 1973, before the concerned Delhi School Education Tribunal. Accordingly, the legality of the termination of their services, including the question as to whether the prescribed procedure was duly followed, became the subject matter of adjudication before the concerned Tribunal.

6. It is, therefore, contended that the present Contempt Petition, in effect, seeks a determination by this Court, in exercise of its contempt jurisdiction, on an issue which is already the subject matter of proceedings before the concerned Tribunal. Such an exercise would

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effectively pre-empt and render otiose the adjudication pending before the said Tribunal.

7. No other submissions were advanced on behalf of the parties.

ANALYSIS:

8. This Court has heard the learned counsel appearing on behalf of the parties at length and perused the material placed on record.

9. This Court is of the view that the Petitioners, having elected to challenge the termination of their services on the ground that the same was effected without following the due process of law and was, consequently, illegal, ought to have pursued the said proceedings to their logical conclusion. It appears that, notwithstanding the withdrawal of the aforesaid Writ Petition and the liberty granted therein, the Petitioners have not pursued the proceedings instituted before the appropriate Tribunal, which continue to remain pending *sine die*.

10. It would, therefore, appear that what the Petitioners are essentially seeking in the present proceedings is a determination of the legality of their termination, namely, whether the termination was effected in accordance with the due process of law. This is precisely the issue which remains pending consideration before the concerned Tribunal. The Petitioners contended that, as a consequence of their alleged illegal termination, they were deprived of the opportunity to continue in service until their respective dates of superannuation and are, therefore, entitled to the salaries which would have accrued to them during the intervening period. According to the Petitioners, the non-payment of such amounts are arrears of salary and constitutes a further violation of the directions issued by this Court.

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11. This Court is of the view that, until the foundational issue concerning the legality of the termination itself is determined, no conclusion can be drawn with respect to the Petitioners' alleged entitlement to continue in service until their respective dates of superannuation. The latter issue is, evidently, consequential and incidental to the determination of the former. In the absence of a determination on the antecedent issue, the consequential claim for salaries for the period up to superannuation cannot independently be examined in the present contempt proceedings.

12. At this juncture, learned counsel appearing on behalf of the Petitioners strenuously contends that the Order dated 15.10.2026 recognises their entitlement to arrears of salary. In particular, reliance has been placed on Paragraph 45.6, reproduced in Paragraph 7 of the said Order, which reads as under:

> "45.6 Within three weeks thereafter, each Petitioner shall file before the said officer a concise statement of claim setting out:
> (i) the period for which salary/emoluments are claimed;
> (ii) the claim, if any, based on implementation of the 7th Central Pay Commission from 1st January, 2016;
> (iii) gratuity, leave encashment, provident fund, pensionary or other retiral dues, wherever applicable; and
> (iv) amounts already received, if any. Within the same period, all concerned Respondents, including Respondent Nos. 1, 2, 6 and 7, shall produce before the said officer the complete service and pay records of every Petitioner, including appointment letters, pay fixation, increments, attendance/service books, resignation papers if any, retirement records if any, gratuity/PF details, and full particulars of payments already made."

13. This Court is unable to accept the aforesaid contention. A plain reading of Paragraph 45.6 makes it evident that the said direction does not, in any manner, recognise or declare an entitlement of the Petitioners to arrears of salary or any other dues. The direction merely requires the Petitioners to place their respective claims before the

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concerned officer, to be nominated by the Directorate of Education, along with the corresponding particulars. The said officer is thereafter required to adjudicate upon the claims on the basis of the material and records placed before him. The mere direction to submit particulars of the claims, therefore, cannot be construed as an acknowledgment or determination of any entitlement in favour of the Petitioners.

14. In view of the foregoing discussion, this Court finds no merit in the present Contempt Petition. Whether or not, due process was followed while terminating the services of the Petitioners is a question that is yet to be determined in accordance with law. This exercise is not one that can be carried out in exercise of the contempt jurisdiction exercisable by the Court. In the present case, contempt jurisdiction cannot be sought to be deployed for determination of a substantive question on the merits of the dispute, and which question is currently pending adjudication, admittedly, before the appropriate forum at the instance of the Petitioners. This Court cannot be tasked with the duty of making this determination in exercise of contempt jurisdiction. In any event, this would effectively render the entire proceedings pending before the appropriate Tribunal, statutorily seized of the matter, otiose. No further orders are, therefore, warranted. The present Petition is accordingly dismissed.

15. The present Petition, along with the pending Application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 25, 2026/tk/ma

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