



2026:DHC:8516-DB



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment Reserved on: 13.08.2026

Judgment Delivered on: 30.09.2026

CNR No. DLHC010123452026

+ LPA 179/2026, CM APPL. 20110/2026, CM APPL. 20111/2026,
CM APPL. 20112/2026 & CM APPL. 20113/2026

KRISHNA AND ORS.Appellants

Versus

RING MIDWAYS EDUCATIONAL
INSTITUTE AND ORS.

....Respondents

Advocates who appeared in this case

For the Appellants : Mr. Khagesh B. Jha and Ms. Shikha
Sharma Bagga, Advs.

For the Respondents : Mr. Jayant Tewethia, Adv. for R-1
Mr. Abhinav Sharma and Mr. Ujjwal
Jain, Advs. for R-2.
Ms. Manisha Singh, ASC for CBSE.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

JUDGMENT

TEJAS KARIA, J

1. The present *intra court* appeal assails the Order dated 16.03.2026 (“**Impugned Order**”) passed by the learned Single Judge in W.P.(C) 11033/2023 titled ‘*Ring Midways Educational Institute vs Govt. of NCT of Delhi and Anr.*’ (“**Writ Petition**”).



FACTUAL MATRIX

2. The brief factual matrix leading to the filing of the present Appeal is as under:

- 2.1. Respondent No. 1 is a registered society running a private unaided school in the name of Ring Midways Senior Secondary Public School (“**School**”), recognised by the Directorate of Education (“**DoE**”) under the provisions of the Delhi School Education Act, 1973 (“**DSEA Act**”). The Appellants are teachers employed at the School.
- 2.2. The School is situated on land admeasuring 4,000 sq. yards, bearing Khasra Nos. 1/141/2 and 1/15, Vipin Garden, Main Najafgarh, Uttam Nagar, Delhi-59 (“**Land**”). The Land is jointly owned by four brothers. Mr. Ramesh Solanki, the youngest of the four brothers, leased out the Land for running the School by entering into a lease agreement with the Secretary of Respondent No. 1.
- 2.3. In the year 2013, Respondent No. 1, citing financial difficulties in running the School made representations to the DoE seeking de-recognition and closure of the School (“**Representations**”) under the provisions of the Delhi School Education Rules, 1973 (“**DSEA Rules**”). Pursuant to the Representations, the Inspection Committee of the DoE inspected the School on 15.04.2014 and, *inter alia*, observed that the School had appointed teachers in violation of the recruitment rules.



- 2.4. On 12.04.2016, Mr. Ramesh Solanki, purportedly acting as the Chairman of Respondent No. 1, terminated the services of the 12 teachers including the Appellant-teachers with immediate effect, citing the observation of the Inspection Committee of the DoE during the inspection conducted on 15.04.2014.
- 2.5. The Appellant-teachers thereafter challenged the termination of their services before the Delhi School Education Tribunal (“**Tribunal**”) in appeal Nos. 32/2016, 38/2016 and 41/2016, wherein, the Tribunal, *vide* separate orders dated 07.12.2016 (“**DSET Orders**”), directed Respondent No. 1 to reinstate the Appellant-teachers within one month with full wages and consequential benefits with effect from 07.12.2016.
- 2.6. Respondent No. 1 challenged the DSET Orders before this Court in W.P.(C) Nos. 117/2017, 119/2017, 121/2017 and 137/2017, which were dismissed *vide* common order dated 09.01.2017, observing that the termination of the Appellant-teachers was in violation of Rules 118 and 120 of the DSEA Rules. The Appellant-teachers were thereafter reinstated by Respondent No. 1 on 01.07.2017.
- 2.7. Subsequently, the Appellant-teachers instituted various proceedings before this Court alleging failure on the part of the School to pay their lawful salaries with effect from 01.09.2017. This Court, *vide* common order dated 18.04.2018 passed in W.P.(C) No. 3815/2018 and other connected petitions raising the grievance of non-payment of salaries by the School to its staff



since September 2017, directed that the School be taken over by the DoE under Section 24 (4) of the DSEA Act.

- 2.8. This Court *vide* order dated 25.03.2019 passed in W. P.(C) No. 1706/2019 titled '*Dayawati & Ors. vs. Ring Midway Sr. Sec. School & Anr.*' directed the DoE to look after the affairs of the School. Pursuant thereto, the DoE took charge of the School with effect from 18.04.2019. Thereafter, the DoE examined the records available with the School and issued a show cause notice dated 23.09.2021 to Respondent No. 1 proposing action under Section 20(1) read with Section 24(4) of the DSEA Act.
- 2.9. In the meanwhile, this Court, *vide* orders dated 29.11.2021 and 15.12.2021 passed in W.P.(C) No. 1706/2019, directed that the four bank accounts of the School shall not be operated until further orders.
- 2.10. This Court *vide* order dated 06.09.2022 passed in W.P.(C) No. 1706/2019 expressed displeasure at the delay on the part of the DoE in invoking Section 24(4) of the DSEA Act.
- 2.11. Thereafter, *vide* orders dated 31.10.2022 and 25.01.2023 passed in the contempt petitions bearing CONT. CAS(C) Nos. 754-759/2018, this Court directed the DoE to expedite the pending proceedings under Section 24(4) of the DSEA Act and conclude the same by passing a reasoned order.
- 2.12. The DoE thereafter passed an order dated 10.05.2023 ("**Takeover Order**") under Section 20(1) read with Section 24(4) of the DSEA Act, recording that the Administrator of the Government of



National Capital Territory of Delhi, i.e., the Hon'ble Lieutenant Governor of Delhi ("LG"), was satisfied that the management of the School be taken over for a period of three years with effect from 10.05.2023.

- 2.13. Thereafter, Respondent No. 1 filed the Writ Petition challenging the Takeover Order, along with a prayer for de-recognition and closure of the School. The learned Single Judge, *vide* order dated 02.09.2024, passed in the Writ Petition, directed the DoE to decide the Representations.
- 2.14. This Court, *vide* order dated 17.09.2024 in W.P.(C) No. 4753/2018, directed that four bank accounts of the School be unfrozen and the amounts lying therein be transferred to the bank account being operated by the new management under the aegis of the DoE ("**Bank Account**"), for disbursement on a *pro rata* basis amongst the teachers and staff of the School.
- 2.15. The Deputy Director of DoE ("**Deputy Director**"), *vide* order dated 03.12.2025 passed the order on the Representations ("**Representation Order**"), *inter alia*, de-recognising the School.
- 2.16. The learned Single Judge, *vide* the Impugned Order, *inter alia*, directed Respondent No. 1 to hand over vacant and peaceful possession of the Land to its lessor. Aggrieved by the Impugned Order, the Appellant-teachers preferred the present Appeal.
- 2.17. During the pendency of the present Appeal, upon expiry of the period of takeover of the management of the School by the LG on 09.05.2026, the DoE, *vide* Handing Over / Taking Over Memo



dated 22.05.2026, handed over the management of the School to Respondent No. 1.

SUBMISSIONS ON BEHALF OF THE APPELLANT-TEACHERS

3. Learned Counsel for the Appellant-teachers made the following submissions:

- 3.1. The Representation Order was passed by the Deputy Director, who holds no power under Rule 46 of the DSEA Rules. The Deputy Director without any delegation under Rule 46 of the DSEA Rules passed the Representation Order de-recognising the School.
- 3.2. In its affidavit dated 30.04.2024, the DoE stated that Respondent No. 1 intended to close the School and use the Land and School building for commercial purposes. However, the learned Single Judge did not consider this stand while directing the Deputy Director, by order dated 02.09.2024, to decide the Representations.
- 3.3. Section 24(4) of the DSEA Act could not be invoked when the School was already under the LG's management. De-recognition presupposes default by the management, whereas the DoE was then managing the School. Further, de-recognition is a regulatory action and could not be sought by Respondent No. 1 through the Representations. As the DSEA Act and Rules contain no provision allowing Respondent No. 1 to seek de-recognition, through such Representations and, therefore, the Writ Petition was not maintainable.
- 3.4. On 16.10.2018, Mr. Sandip Solanki, the former Manager of Respondent No. 1, stated on oath in LPA 361/2018 that he no



longer managed the School and that its control rested with the Chairman. As recorded in the order dated 25.03.2019 in W.P.(C) No. 1706/2019, Mr. Rambir Solanki, then President of Respondent No. 1, also stated that he and his son had no role in or control over the School. Having earlier disclaimed authority over the School, Respondent No. 1 could not later seek its closure through the Representations.

- 3.5. The Representation Order only de-recognised the School. The learned Single Judge, however, treated it as permitting closure. The Impugned Order therefore misreads the Representation Order.
- 3.6. De-recognition and closure are distinct under the DSEA Act. Under Rule 46 of the DSEA Rules, closure requires a decision by the Managing Committee constituted under Rule 59 and prior approval of the Director of Education (“**Director**”), after consultation with the Advisory Board constituted under Section 22 of the DSEA Act (“**Advisory Board**”). The School could not therefore be closed without following Rule 46.
- 3.7. The employees’ accounts also had to be settled before closure. Treating the Representation Order as a closure order would therefore bypass the statutory scheme of the DSEA Act and Rules.
- 3.8. Reliance was placed on *Vishwajyoti v. Virender Kumar Sardana*, 2026 SCC OnLine Del 1910, which holds that de-recognition and closure are distinct actions under the DSEA Act.
- 3.9. After the DSET Orders, the Appellant-teachers had to initiate several proceedings to recover their lawful salaries. Despite orders



in their favour, their salaries have remained unpaid since September 2017.

- 3.10. The Writ Petition sought to avoid payment of salary arrears exceeding ₹10 crores, while only ₹1.42 crores is available in the Bank Account for distribution. Closing the School and returning the Land to the lessor would prejudice the teachers' claims, cause loss of employment, and affect their right to life under Article 21 of the Constitution of India, 1950.
- 3.11. Given their salary claims exceeding ₹10 crores, the Appellant-teachers were necessary and proper parties to the Writ Petition but were not impleaded. The Impugned Order was also passed without counsel for the DoE, and the learned Single Judge was not informed of the Representation Order when passing the order dated 14.01.2026 in W.P.(C) No. 4753/2018.
- 3.12. Although the LG had taken over the School's management, the LG was not impleaded in the Writ Petition. Without the Impugned Order, Respondent No. 1 would have had to follow the statutory closure procedure, including prior approval of the Director after consultation with the Advisory Board under Rule 46. The Impugned Order permitted closure without following that procedure.
- 3.13. For these reasons, the Impugned Order warrants interference in this Appeal.



SUBMISSIONS ON BEHALF OF RESPONDENT NOS. 1 AND 2

4. Learned Counsel for Respondent Nos. 1 and 2 made the following submissions:

- 4.1. Pursuant to the Takeover Order, the management of the School had been taken over by the LG for a period of three years under Section 20(1) of the DSEA Act. The taking over of the School could, in accordance with law, be extended for a total period of five years, comprising the initial three years followed by one year and a further one year. The period of taking over of the School for three years expired on 09.05.2026 and the LG did not wish to take over the management of the School for a further period of one year.
- 4.2. As regards the claim of pending salary arrears of the Appellant-teachers, this Court *vide* order dated 17.09.2024 passed in W.P.(C) 4753/2018 directed that the salaries / dues may be disbursed on a *pro rata* basis after considering the staff attendance records. This Court *vide* order dated 17.09.2024 passed in W.P.(C) 4753/2018 further directed that considering that the amount lying in the Bank Account is limited and the number of staff members of the School is large, distribution of the amount lying in the Bank Account is required to be made strictly in a proportionate manner and only to genuine and eligible staff members.
- 4.3. This Court, *vide* order dated 14.01.2026 passed in W.P.(C) 4753/2018, directed the DoE to distribute the salary arrears amongst the identified groups of teachers / staff as under:



- a. Working / Superannuated Staff - 26 (to be considered for payments)
 - b. Left / not reported / resigned staff - 34 - (As they left of their own volition or resigned and they have also not approached the Court, they will not be considered for any payments.)
 - c. Over aged Terminated staff - 02 (Not eligible payment)
 - d. Terminated staff as per court order - 34 (As they were unqualified and terminated after due verification of documents in compliance of the Court's order they will not be considered for payments)
- 4.4. The orders dated 17.09.2024 and 14.01.2026 passed in W.P.(C) 4753/2018 have not been challenged by the Appellant-teachers. The Appellant-teachers have also not furnished any basis for the calculation of the alleged salary arrears of more than ₹10 crores. In fact, Appellant No. 8, Mrs. Azad Devi, falls under Category b of staff identified in the order dated 14.01.2026 passed in W.P.(C) 4753/2018 and is not entitled to any payment, whereas her salary arrears have been stated to be ₹92 lakhs in the present Appeal. Therefore, the entitlement of the Appellant-teachers to their respective salary arrears is yet to be determined in accordance with the directions already passed by this Court in W.P.(C) 4753/2018.
- 4.5. Pursuant to the Impugned Order, an amount of ₹1.42 crores lying in the Bank Account has already been disbursed towards the salary arrears payable to the staff of the School. The remaining salary arrears are to be settled in terms of the directions contained in the



Impugned Order, from the proceeds of sale of the movable properties of the School.

- 4.6. The grievance of the Appellant-teachers is essentially that their salary arrears remain unpaid and that, upon the Land being handed over to the lessor, recovery of the alleged salary arrears may become difficult. However, such apprehension cannot, by itself, constitute a ground for interference with the Impugned Order, when the Land does not belong to Respondent No. 1 or the School and has already been handed over to the lessor in compliance with the Impugned Order.

ANALYSIS AND FINDINGS

5. We have considered the submissions made on behalf of the Parties and perused the material placed on record.
6. The principal issue that arises for consideration in the present Appeal is whether, in the facts and circumstances of the present case, the direction contained in the Impugned Order requiring Respondent No. 1 to hand over vacant and peaceful possession of the Land to its lessor can be sustained.
7. The controversy arising in the present Appeal must be examined in the context of the statutory framework governing the management, recognition, and closure of schools under the DSEA Act and the DSEA Rules.
8. Section 20(1) of the DSEA Act empowers the Administrator, upon being satisfied that the managing committee or manager of a school has neglected to perform any duty imposed upon it by or under the DSEA Act or the DSEA Rules, and that it is expedient in the interests of school education



to do so, to take over the management of such school for a limited period not exceeding three years. The proviso to Section 20(1) further permits the Administrator, where he is of the opinion that it is expedient for such management to continue beyond the expiry of the said period, to direct its continuance for periods not exceeding one year at a time, subject to an overall limit of five years.

9. In the present case, the DoE passed the Takeover Order in exercise of its powers under Section 20(1) read with Section 24(4) of the DSEA Act, thereby taking over the management of the School for a period of three years commencing on 10.05.2023 and ending on 09.05.2026.

10. The Impugned Order was passed on 16.03.2026, before the expiry of the three-year period for which the management of the School had been taken over by the LG. Accordingly, as on the date of the Impugned Order, the Takeover Order remained in force and the management of the School continued to vest in the LG.

11. The challenge to the Takeover Order was not adjudicated upon in the Impugned Order. Consequently, the Takeover Order continued to govern the management of the School on the date of the Impugned Order. In these circumstances, Respondent No. 1 could not have been directed to hand over possession of the Land to the lessor when it was itself not in possession thereof.

12. It is further contended on behalf of the Appellant-teachers that the Representation Order could not have been passed after the management of the School had been taken over by the LG, as de-recognition constitutes a regulatory measure and could not have been sought by Respondent No. 1



through the Representations. Since the Representations formed the basis of the Writ Petition, the very foundation of the Writ Petition was a nullity. However, the Representation Order is not under challenge in the present Appeal, nor was its validity examined in the Writ Petition. The Representation Order, therefore, continues to remain operative and cannot be treated as invalid while adjudicating the challenge to the Impugned Order in the present Appeal.

13. As regards the distinction between de-recognition and closure of a school, Section 24 of the DSEA Act governs the inspection of schools and the action that may be taken where the manager of a school fails to comply with directions issued by the Director under Section 24(3) thereof. In such circumstances, Section 24(4) empowers the Director to take such action as may be considered appropriate, including withdrawal of the school's recognition under clause (b) thereof.

14. The closure of a school is governed by Rule 46 of the DSEA Rules. Rule 46 stipulates that no managing committee shall close a recognised school, other than an unaided minority school, or any existing class therein, without furnishing full justification and obtaining the prior approval of the Director, who is required to consult the Advisory Board before granting such approval.

15. In *Vishwajyoti* (*supra*), the learned Single Judge of this Court, while considering the legal effect of a school having ceased to function without prior approval, held that Rule 46 of the DSEA Rules mandates prior approval of the Director for closure of a recognised school and requires the Director to consult the Advisory Board before granting such approval. It was further held that the requirement of prior approval is mandatory and that



mere physical cessation of a school's operations does not amount to lawful closure under the statutory scheme of the DSEA Act. The Court also observed that, in the absence of approval under Rule 46 of the DSEA Rules, the school remained within the statutory framework, and the rights of its employees could not be treated as extinguished merely by the management's *de facto* closure of the school.

16. In the present case, the Representation Order merely de-recognises the School and does not record that prior approval for its closure was obtained from the Director after consultation with the Advisory Board, as required under Rule 46 of the DSEA Rules.

17. The statutory requirements prescribed under Rule 46 of the DSEA Rules cannot be regarded as mere formalities or dispensed with solely on the ground that the School has been de-recognised. If closure of the School is proposed, the matter must be considered in accordance with Rule 46 of the DSEA Rules, including the requirement of prior approval of the Director after consultation with the Advisory Board.

18. In view of the foregoing observations, the direction contained in the Impugned Order requiring Respondent No. 1 to hand over vacant and peaceful possession of the Land to its lessor is contrary to the statutory scheme of the DSEA Act and the DSEA Rules.

19. Accordingly, the direction contained in the Impugned Order requiring the handing over of vacant and peaceful possession of the property admeasuring 4,000 sq. yards, bearing Khasra Nos. 1/141/2 and 1/15, situated at Vipin Garden, Main Najafgarh, Uttam Nagar, Delhi-110059, to the lessor is hereby set aside.



20. Any observations made in the Impugned Order, or the handing over of possession of the Land to the lessor pursuant thereto, shall not be construed as constituting closure of the School under the DSEA Act or the DSEA Rules. Any proposal for closure of the School shall be dealt with strictly in accordance with the applicable provisions of the DSEA Act and the DSEA Rules, including Rule 46 thereof.

21. For the avoidance of doubt, it is clarified that the directions contained in the Impugned Order concerning the disbursement of the amount lying in the Bank Account in accordance with the order dated 14.01.2026 passed in W.P.(C) 4753/2018, as well as the sale of the movable properties of the School and the appropriation of the proceeds thereof towards the salary arrears of the School staff, shall continue to remain operative.

22. Accordingly, the Appeal is partly allowed in the aforesaid terms. All pending applications, if any, stand disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 30, 2026

HK