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

% **Date of decision: 24.11.2025**

+ **W.P.(C) 11223/2017 & CM APPL. 45877/2017**

GREENWAY MODERN SCHOOL

.....Petitioner

Through: Mr. Pramod Gupta, Ms. Himanshi,
Ms. Deeksha Khandelwal & Ms.
Jessica Khera, Advs.

versus

RAMMILAN RAWAT AND ANR.

.....Respondents

Through: Mr. C.S. Parasher & Mr. J.K.
Chilwar, Advs. for R-1.
Mr. Sujeet Kumar Mishra, Mr. Harsh
Kumar Pandey, Advs. with Mr.
Akhilesh Mishra, PGT Zonet, DOE.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

AVNEESH JHINGAN, J. (ORAL)

1. This writ petition is filed seeking quashing of order dated 26.10.2017 of the Delhi School Tribunal (for short 'the Tribunal').
2. The brief facts are that the respondent no. 1 hereinafter referred to as 'respondent' was employed as a casual labour by the petitioner on 18.06.1999. In the meeting of the Managing Committee of the petitioner school held on 25.09.2012, it was resolved that disciplinary proceedings be conducted against the respondent. Memorandum dated 28.09.2012 was issued and thereafter on 27.12.2012 approval of Directorate of Education for the constitution of Disciplinary Authority Committee (for short 'DAC') was sought. On 05.02.2013, chargesheet was issued to the respondent which was



responded to on 22.02.2013. The DAC in a meeting held on 08.03.2013 accorded approval to the chargesheet. The inquiry report submitted was discussed by DAC in a meeting held on 05.10.2013 and the response of the respondent was sought on inquiry report. DAC vide order dated 08.11.2013 imposed penalty of removal of service upon the respondent. The respondent succeeded in appeal filed before the Tribunal on 26.10.2017.

3. Learned counsel for the petitioner submits that the DAC was constituted as per Rule 118 of Delhi School Education Rules, 1973 (for short 'the Rules') and no authorization is required for constituting the DAC. The submission is that the Tribunal erred in holding that issuance of chargesheet by the manager of the school was bad in law. The argument is that the chargesheet issued by the manager of the school was approved by the DAC in meeting held on 08.03.2013. The decision in the case of **Samarth Shiksha Samiti vs. Directorate of Education & Ors., 180 (2011) DLT 93** is relied upon to fortify the argument that there is no illegality in the manager issuing chargesheet which is later approved by the DAC. The grievance raised is that the Tribunal without dealing with the judgement of the jurisdictional High Court passed the impugned order.

4. Learned counsel for the respondent submits that there is no specific provision authorizing the manager of the school to constitute the DAC. Reliance is placed upon Rule 59(2)(m) to contend that the administration work is to be done by the head of the school and not the manager. It is argued that the manager of the school by issuing chargesheet interfered with the proceedings of DAC.

4.1 The judgement in the case of **Samarth Shiksha Samiti** (supra) is distinguished by the learned counsel for the respondent by stating that the



chargesheet in this case was issued by the manager after constitution of DAC whereas in that case it was done before it.

4.2 The contention is that there were other grounds of challenge to the order of removal of service which were not decided by the Tribunal.

5. Heard learned counsel for the parties at length, no other contention than the one recorded above has been pressed.

6. The Tribunal accepted the appeal of the respondent on two grounds, firstly that the manager could not have constituted the DAC and secondly that the manager was not authorised by the managing committee to issue the chargesheet and the power to initiate disciplinary proceedings vests with the managing committee alone.

7. Rule 118 stipulates the constitution of the DAC and the DAC shall consist of:-

- (i) the Chairman of the managing committee of the school;
- (ii) manager of the school;
- (iii) nominee of the Director, in case of an aided school, or a nominee of appropriate authority, in the case of an unaided school;
- (iv) the head of the school, except where the disciplinary proceeding is against him and where the disciplinary proceeding is against the Head of the school, the Head of any other school, nominated by the Director;
- (v) a teacher who is a member of the managing committee of the school; nominated by the Chairman of such managing committee.

8. Rule 59 governs the Scheme of Management of Recognised Schools. Sub-rule (2) specifies mandatory components of such scheme. Rule 59(2)(m) stipulates that the administration and academic work of the school shall be attended by the head of the school and the manager shall not



interfere in the day-to-day administration and academic work of the school except where the manager is the head.

9. Rule 59(2)(m) does not deal with the constitution of DAC and apart from this rule no provision has been brought to the notice of this Court by the learned counsel for the respondent to show that authorisation in the favour of the manager of the school is required to constitute DAC.

10. The DAC constituted by the petitioner consisted of five members as required under Rule 118. The Tribunal in the impugned order has not dealt with the issue in detail with regard to provisions applicable for constitution of DAC. It is important to consider that the initiation of the disciplinary proceedings and constitution of a DAC cannot be used inter-changeably.

11. This Court in the case of **Samarth Shiksha Samiti** (supra) dealt with Rule 120 of the Rules wherein the procedure for imposing the major penalty is provided. The phrase “as far as may be” used in Rule 120 was considered and it was held that the deviation in the procedure is permissible and therefore the chargesheet issued by the manager later ratified by the disciplinary authority cannot be a ground for setting aside the disciplinary proceedings.

12. The judgement in **Samarth Shiksha Samiti** (supra) was noted by the Tribunal in the order but not dealt with.

13. Considering that the statutory provisions with regard to authorisation required for constitution of the DAC have not been dealt in detail by the Tribunal; the decision in the case of **Samarth Shiksha Samiti** (supra) was not considered; and in case of success of the petitioner on these issues the other grounds raised in appeal by the respondents needs adjudication, the



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impugned order is set aside and the matter is remitted to the Tribunal for decision afresh.

14. The writ petition is allowed and pending application is also disposed of.

AVNEESH JHINGAN, J

NOVEMBER 24, 2025

'JK'

Reportable:- Yes