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

Decided on 03.09.2025

+ W.P.(C) 7080/2018 & CM APPLs. 26921/2018, 2989/2019,
68228/2024, 12614/2025

JEETENDRA KUMAR SINGHPetitioner

Through: Petitioner in Person.

versus

DIRECTOR OF EDUCATION & ANRRespondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel for GNCTD with Mr.
N.K. Singh, Ms. Aliza Alam, Mr.
Mohnish Sehrawat & Mr. Amol
Rana, Advocates.

Ms. Anita Sahani, Mr. Shivom
Garg, Advocates for R-2 with Mr.
Manoj Madan, General Manager of
R-2. [M:-9650920980]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

1. By way of this petition under Article 226 of the Constitution, the petitioner assails an order of respondent No. 2-Dev Samaj Modern School No. 2 [“the School”] dated 09.03.2017, by which he has been placed under “*deemed suspension*” with effect from 06.03.2014, in exercise of the power under Rule 115 (4) of the Delhi School Education Act and Rules, 1973 [“DSEAR”]. He also seeks reinstatement in the School with back wages and consequential benefits.

A. Facts:

2. The petitioner was appointed as a Teacher in the School in 2006. As there is some controversy on the question of whether he was



appointed as a Primary Teacher or Trained Graduate Teacher, without getting into that question, suffice it to note that by an order dated 06.03.2014, his services were terminated with effect from 06.03.2014.

3. Against this order, the petitioner approached the Delhi School Tribunal [“the Tribunal”] in appeal. The appeal was disposed of by order dated 13.01.2017, on the ground that, even according to the School, he has been appointed repeatedly on contractual basis, and was thus entitled to protection afforded by DSEAR, in respect of disciplinary proceedings. The Tribunal came to the conclusion that the petitioner held the status of a confirmed employee and therefore set aside the order of termination, with a direction for reinstatement and consequential benefits. As far as back wages are concerned, the Tribunal gave directions to make a representation to the School, in terms of Rule 121 of the DSEAR.

4. Against the order of the Tribunal, the School approached this Court by way of a writ petition¹, which was disposed of by order dated 20.02.2017, with the following observations:

“3. Learned counsel for the petitioner agrees that since it was not a case of the petitioner before the DST that respondent no.2 fell under exception of Rule 105(3) of the Rules, accordingly, if the respondent no.2 has to be removed from services the same can only be after following due process of law under the Rules. Counsel for the petitioner only argues that DST however has left the issue vague as to the respondent no.2 being reinstated at which post, and which clarification be given by this Court that respondent no.2 since was working as a Primary Teacher with the petitioner, respondent no.2 be reinstated at the post of PRT. Learned counsel for the respondent no.2 has no objection to this clarification and accordingly the respondent no.2 will stand reinstated with the petitioner/school to the post of Primary Teacher. However, liberty in accordance with law is granted to the petitioner to take any such action which the petitioner deems fit as against the respondent no.2 whether of abandonment of services or corporal punishment to a student or

¹ W.P.(C) No. 1453/2017.



respondent no.2 not being adequately qualified for being confirmed in the post and with respect to which this Court makes no observations on merits one way or the other.²

5. The petitioner's request for review of the aforesaid order [Review Petition No. 129/2017] was rejected on 27.04.2017. He then filed an appeal [LPA No. 567/2017], which was disposed of on 28.08.2017, with the following order:

“Issue notice, Ms.Ishan Madaan, Advocate accepts notice.

The appellant had successfully questioned the order of his termination before the Delhi School Tribunal (DST) [hereafter 'the Tribunal']. The respondent/school which had employed him approached this court under writ proceeding contenting that the observations with respect to the nature of the appellant's employment made by the tribunal were vague.

Agreeing with that observation, learned single judge clarified that the appellant was never appointed to the position of TGT.

*We have heard learned counsel for the parties and are of the opinion that **any final observation with respect to the appellant's status need not have been made, given the circumstances that what he was aggrieved by the when he went to the tribunal was the order of termination.***

*In the given circumstances, the **liberty given to the school to initiate disciplinary proceedings would oblige it to pay subsistence allowance. In these circumstances, the impugned order is modified to the extent that the observations with respect to the petitioner's nature of employment (i.e TGT/PRT) shall not be read as conclusive. At the same time, the appellant/ respondent school shall ensure that the appellant is paid subsistence allowance subject to his making the necessary statement in terms of rules of 116 of Delhi School Education Act Rules, 1973 in tune with the last salary drawn having regard to the appropriate stage of the pay scale from the date of suspension.***

The appeal is accordingly disposed of along with the pending applications.”³

6. The petitioner carried the matter to the Supreme Court⁴, which declined special leave to appeal by order dated 08.01.2018.

7. During the pendency of the proceedings before this Court, and

² Emphasis supplied.

³ Emphasis supplied.



consequent upon the orders of the Tribunal, the School passed the impugned order dated 09.03.2017, recording that the petitioner was under ‘*deemed suspension*’ under Rule 115(4) of DSEAR with effect from the date of original termination order, i.e. 06.03.2014, to enable the School to hold an inquiry and disciplinary proceedings in fresh disciplinary action against him. The order also recorded that subsistence allowance would be paid to the petitioner in compliance of Rule 116 of DSEAR.

8. Notice was issued in this writ petition on 11.07.2018, and time was granted on several occasions for filing of the counter affidavit.

9. During the pendency of the present writ petition, the School issued an order dated 22.10.2018 initiating a *de novo* inquiry against the petitioner. The Inquiry Officer appointed by the School issued minutes of meeting dated 26.12.2018, and noted the submission of the petitioner requesting the presenting officer to submit a copy of the charge sheet for conduct of the inquiry, and time to submit a reply to the charge sheet. By an order dated 08.02.2019, as the counter affidavit had not come on record, the Court granted stay of the aforesaid order dated 22.10.2018.

10. The School has filed an application for vacation of stay⁵. However, I have heard the parties finally, and propose to dispose of the writ petition itself by this order.

B. Submissions:

11. The petitioner, who appears in person, challenges the “*deemed suspension*” order, on the ground that it does not come within the ambit of Rule 115 (4) of DSEAR, inasmuch as the termination order was not set

⁴ SLP No. 35675/2017.

⁵ CM APPL 12614/2025.



aside by the Tribunal on technical grounds, but on merits. He also submits that retrospective application of the “*deemed suspension*” order is *ultra vires* with the provisions of the DSEAR.

12. The petitioner further contends that the suspension order has been issued without authority as Ms. Anju Sachdeva, who has signed the order as Manager of the School was not, in fact, the Manager at the time. For this purpose, he has drawn my attention to a communication dated 31.05.2016, addressed by the Principal of the School to the Deputy Director of Education, stating that one Ms. Sudesh Jolly was appointed as a Manager (Designated) of the School for the period 25.04.2016 till 31.03.2017, in place of Ms. Anju Sachdeva. The suspension order was signed during the period, Ms. Sudesh Jolly was the Manager, but was, in fact, signed by Ms. Anju Sachdeva.

13. Ms. Anita Sahani, learned counsel for the School, submits that regardless of the post to which the petitioner was appointed, his services were terminated on 06.03.2018, which he challenged before the Tribunal. The order was set aside by the Tribunal, not on merits, but on the grounds that inquiry proceedings have not been conducted in accordance with law. Ms. Sahani further submits that orders of this Court both, at the level of Single Bench and the Division Bench, clearly contemplated fresh disciplinary proceedings against the petitioner, subject to the payment of subsistence allowance. In these circumstances, she submits that Rule 115 (4) has direct application, and the management, if it contemplates fresh disciplinary proceedings, is entitled to treat the employee under “*deemed suspension*” from the date of the original termination order. The orders of this Court having been challenged in the Supreme Court and sustained,



Ms. Sahani submits that interference with the “*deemed suspension*” order is not called for.

14. As far as the identity of the Manager of the School on the date of the “*deemed suspension*” order is concerned, respondent has filed an affidavit dated 28.08.2025, in terms of order dated 26.08.2025, which states that Ms. Sudesh Jolly was travelling overseas for personal reasons. By a resolution dated 21.01.2017, the Managing Council of the School, therefore, appointed Mrs. Anju Sachdeva as the Manager of the School for the period 01.02.2017 till 31.03.2017. A copy of the proceedings book of the School has also been annexed to the affidavit, which contains the resolution dated 21.01.2017.

15. The petitioner has filed an affidavit in response, in which certain communications from the Directorate of Education [“DoE”] dated 13.10.2017 and 31.10.2017 have been annexed, which state that no record relating to the appointment of Ms. Anju Sachdeva or Ms. Sudesh Jolly, as Manager of the School, is available with DoE. It is also contended by the petitioner that the resolution appointing Ms. Anju Sachdeva as the Manager of the School for the aforesaid period is forged and fabricated.

C. Analysis

16. Rule 115 of DSEAR deals with suspension. The impugned order has been made in exercise of power under Rule 115 (4) of DSEAR, which provides as follows:

“115. Suspension

xxx

xxx

xxx

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or rendered void, in consequence of or by, a decision of a court of law or of the Tribunal; and the disciplinary authority on a



consideration of the circumstances of the case decides to hold further inquiry against such employee on the same allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, such employee shall be deemed to have been placed under suspension by the managing committee from the date of original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders:

Provided that no such further enquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case.⁶

17. Factually, the petitioner had approached the Tribunal against an order of termination dated 06.03.2014. The Tribunal's order dated 13.01.2017 proceeded on the ground that the petitioner had status of a confirmed employee, and could not have been removed without a show cause notice/chargesheet, and without holding an inquiry in terms of DSEAR. It is for this reason that the termination order was set aside, as is evident from the following extract of the judgment of the Tribunal:

*“35. In view of above discussions this Tribunal is of opinion that status of the Appellant after serving since November, 2006 till his termination vide order dated 06.03.2014 was that of a confirmed employee. **Appellant was removed without issuing any show cause notice/ Charge-sheet and without holding any inquiry and without following the provisions of Delhi School Education Act & Rules, 1973, thus, his termination vide impugned order dated 06.03.2014 is illegal and arbitrary hence the same is set aside.** R1 and R2 are directed to re-instate the Appellant within a period of one month from the date of this order. Appellant, will be entitled for all the consequential benefits and full wages from the date of this order onwards.”⁷*

18. In the writ petition filed by the School, the learned Single Judge by an order dated 20.02.2017⁸, clearly granted liberty to the School to take

⁶ Emphasis supplied.

⁷ Emphasis supplied.

⁸ Paragraph 3 (extracted in paragraph 4 above).



disciplinary action against the petitioner. Thereafter, while disposing of the petitioner's appeal on 22.08.2017, the Division Bench noted that the School had been granted liberty to initiate disciplinary proceedings, and directed that subsistence allowance would have to be paid in such circumstances. The petitioner's challenge to the order of the Division Bench also failed before the Supreme Court.

19. In these circumstances, the order of the Tribunal was not on merits, and the School was within its right to institute a fresh inquiry. Rule 115 (4) of DSEAR was therefore correctly applied.

20. The question with regard to the identity of the Manager of the School, who was authorised to issue the impugned "*deemed suspension*" order dated 09.03.2017 has also been adequately answered by the respondent's affidavit dated 28.08.2025. The original record has also been produced for inspection of the Court. The contention of forgery and fabrication of documents is also unwarranted, as such a contention evidently raises a disputed question of fact, which would have to be decided on evidence, and is not capable for adjudication in summary writ proceedings.

D. Conclusion:

21. For the aforesaid reasons, I do not find any merit in the present writ petition, which stands dismissed. However, there will be no order as to costs.

22. All pending applications also stand disposed of.

PRATEEK JALAN, J

SEPTEMBER 3, 2025/'pv'/AD/