



\$~10, 12 to 24 & 28 to 62

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

Date of decision: 10th OCTOBER, 2025

IN THE MATTER OF:

+ LPA 762/2023, CM APPL. 60926/2023, CM APPL. 60927/2023, CM
APPL. 47913/2024, CM APPL. 58922/2025
RENU ARORA AND OTHERSAppellants

versus

ST. MARGARET SENIOR SECONDARY SCHOOL & ANR.
.....Respondents

12

+ LPA 780/2023, CM APPL. 61904/2023, CM APPL. 47942/2024
CM APPL. 58919/2025
ARATI BHATIA AND ORSAppellants

versus

GD GOENKA PUBLIC SCHOOL & ANR.Respondents

13

+ LPA 793/2023, CM APPL. 63228/2023
MRS. MAMTA KATARIAAppellant

versus

ST PAULS DIOCESAN SCHOOL & ORS.Respondents

14

+ LPA 794/2023, CM APPL. 63295/2023
MRS. SUSHMITA MASSEYAppellant

versus



2025:DHC:9380-DB



ST PAULS DIOCESAN SCHOOL & ORS.

.....Respondents

15

+ LPA 796/2023, CM APPL. 63341/2023
REKHA WADHAWAN AND ORS

.....Appellants

versus

YUVASHAKTI MODEL SCHOOL & ANR.

.....Respondents

16

+ LPA 801/2023, CM APPL. 63540/2023, CM APPL. 47915/2024
MRS. JYOTI SHARMA & ANR.

.....Appellants

versus

GD GOENKA PUBLIC SCHOOL & ANR.

.....Respondents

17

+ LPA 802/2023, CM APPL. 63592/2023 & CM APPL. 47941/2024
MRS. MALA TULI AND OTHERS

.....Appellants

versus

GD GOENKA PUBLIC SCHOOL & ANR.

.....Respondents

18

+ LPA 804/2023, CM APPL. 63649/2023, CM APPL. 2573/2024
CM APPL. 47916/2024, CM APPL. 58917/2025
ASMA SYED

.....Appellant

versus

ARWACHIN BHARTI BHAWAN SENIOR SECONDARY
SCHOOL & ANR.

.....Respondents

19

+ LPA 807/2023, CM APPL. 63655/2023



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MRS. SHIKHA MEHRA & ANR.

.....Appellants

versus

YUVASHAKTI MODEL SCHOOL & ANR.

.....Respondents

20

+ LPA 817/2023, CM APPL. 64689/2023, CM APPL. 64690/2023
CM APPL. 58918/2025
MONICA KAPAHI

.....Appellant

versus

ASN SR. SECONDARY SCHOOL AND ORS

.....Respondents

21

+ LPA 818/2023, CM APPL. 64709/2023 & CM APPL. 64710/2023
AHILYA MINOCHA

.....Appellant

versus

ASN SR. SECONDARY SCHOOL AND ORS

.....Respondents

22

+ LPA 819/2023, CM APPL. 64717/2023, CM APPL. 64718/2023
SULEKHA DAS

.....Appellant

versus

ASN SR SECONDARY SCHOOL AND ORS

.....Respondents

23

+ LPA 820/2023, CM APPL. 64722/2023, CM APPL. 64723/2023
CM APPL. 40055/2025
RITU SINGHAL

.....Appellant

versus



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GOVT. OF NCT OF DELHI AND ANR

.....Respondents

24

+ LPA 825/2023, CM APPL. 65137/2023 & CM APPL. 58897/2025
ANJALI VAID AND ORS

.....Appellants

versus

ADARSH WORLD SCHOOL AND ORS

.....Respondents

28

+ LPA 827/2023, CM APPL. 65170/2023
ANITA

.....Appellant

versus

RYAN INTERNATIONAL SCHOOL & ANR.

.....Respondents

29

+ LPA 830/2023, CM APPL. 65566/2023
DIRECTORATE OF EDUCATION

.....Appellant

versus

ANJALI VAID & ORS.

.....Respondents

30

+ LPA 846/2023, CM APPL. 67261/2023
MR. RAVINDRA KUMAR TANWAR AND OTHERS

.....Appellants

versus

DELHI POLICE PUBLIC SCHOOL & ORS.

.....Respondents

31

+ LPA 847/2023, CM APPL. 67294/2023
MANJU SHARMA

.....Appellant



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versus

RAVINDRA PUBLIC SCHOOL & ANR.

.....Respondents

32

+ LPA 1/2024, CM APPL. 12/2024, CM APPL. 13/2024, CM APPL. 34728/2024 & CM APPL. 34729/2024

JASWINDER KAUR & ORS.

.....Appellants

versus

GURUSHARAN CONVENT SCHOOL & ORS.

.....Respondents

33

+ LPA 15/2024, CM APPL. 811/2024
MRS. CHARANJEET KAUR

.....Appellant

versus

GURU HARKRISHAN PUBLIC SCHOOL AND ORS

.....Respondents

34

+ LPA 19/2024, CM APPL. 1009/2024, CM APPL. 1010/2024

UMESH GAUBA

.....Appellant

versus

MODERN CHILD PUBLIC SR. SEC. SCHOOL & ANR.

.....Respondents

35

+ LPA 20/2024, CM APPL. 1014/2024 & CM APPL. 1015/2024
VISHWA NATH PRASAD

.....Appellant

versus



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- BAL BHAVAN PUBLIC SCHOOL & ANR.Respondents
- 36
+ LPA 30/2024, CM APPL. 1593/2024 & CM APPL. 1594/2024
VINITA BALONIAppellant
- versus
- AHLCON PUBLIC SCHOOL & ANR.Respondents
- 37
+ LPA 32/2024, CM APPL. 1599/2024 & CM APPL. 1600/2024
BHAVAYA TEHRIAppellant
- versus
- AHLCON PUBLIC SCHOOL & ANR.Respondents
- 38
+ LPA 33/2024, CM APPL. 1625/2024 & CM APPL. 1626/2024
MRS. REKHA JARREL AND OTHERSAppellants
- versus
- AHLCON PUBLIC SCHOOL & ANR.Respondents
- 39
+ LPA 51/2024, CM APPL. 2494/2024
MRS. VANDANA MALIK AND OTHERSAppellants
- versus
- RYAN INTERNATIONAL SCHOOL & ANR.Respondents
- 40
+ LPA 58/2024, CM APPL. 3703/2024
SATINDER TANDONAppellant



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versus

PRUDENCE SCHOOL & ANR.

.....Respondents

41

+ LPA 95/2024, CM APPL. 6686/2024
NORIN SHARMA

.....Appellant

versus

AHLCON PUBLIC SCHOOL & ANR.

.....Respondents

42

+ LPA 96/2024, CM APPL. 6699/2024
PRATIBHA KULSHRESTHA

.....Appellant

versus

AHLCON PUBLIC SCHOOL & ANR.

.....Respondents

43

+ LPA 98/2024, CM APPL. 6901/2024
SANGEETA PURI

.....Appellant

versus

AHLCON PUBLIC SCHOOL & ANR.

.....Respondents

44

+ LPA 102/2024, CM APPL. 7596/2024
SH. NIRANJAN LAL AND OTHERS

.....Appellants

versus

D.A.V. PUBLIC SCHOOL & ORS.

.....Respondents

45



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+ LPA 103/2024, CM APPL. 7602/2024
MRS BIMLA BABBAR AND OTHERS

.....Appellants

versus

DAV PUBLIC SCHOOL & ORS.

.....Respondents

46

+ LPA 106/2024, CM APPL. 7632/2024
MRS KRISHNA

.....Appellant

versus

DAV PUBLIC SCHOOL & ORS.

.....Respondents

47

+ LPA 108/2024, CM APPL. 7663/2024
MRS. NEETA KHANNA & ANR.

.....Appellants

versus

D.A.V. PUBLIC SCHOOL & ORS.

.....Respondents

48

+ LPA 109/2024
KUSUM GUPTA

.....Appellant

versus

DAV PUBLIC SCHOOL & ORS.

.....Respondents

49

+ LPA 110/2024, CM APPL. 7698/2024
MRS. SUDHA MEHTA & ANR.

.....Appellants

versus

D.A.V. PUBLIC SCHOOL & ORS.

.....Respondents



50

+ LPA 113/2024, CM APPL. 6144/2025
MADHU ARORA & ANR.

.....Appellants

versus

DAV PUBLIC SCHOOL & ORS.

.....Respondents

51

+ LPA 151/2024
MR DILIP SINGH ORS

.....Appellants

versus

GEETA BAL BHARTI SENIOR SECONDARY SCHOOL AND
ANR

.....Respondents

52

+ LPA 167/2024, CM APPL. 11688/2024
MRS. URMIL ARORA AND OTHERS

.....Appellants

versus

GEETA BAL BHARTI SENIOR SECONDARY SCHOOL & ANR.
.....Respondents

53

+ LPA 640/2024, CM APPL. 40599/2024 & CM APPL. 40600/2024
MS. POONAM MITTAL & ANR.

.....Appellants

versus

GEETA BAL BHARTI SENIOR SECONDARY SCHOOL & ANR.
.....Respondents

54

+ LPA 271/2024
ARWACHIN BHARTI BHAWAN

.....Appellant



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versus

ASMA SYED AND ANR

.....Respondents

55

+

LPA 272/2024

RYAN INTERNATIONAL SCHOOL

.....Appellant

versus

ANITA AND ANR

.....Respondents

56

+

LPA 273/2024

G D GOENKA PUBLIC SCHOOL

.....Appellant

versus

MALA TULI AND ORS

.....Respondents

57

+

LPA 274/2024

ASN SR SECONDARY SCHOOL

.....Appellant

versus

MONICA KAPAHI AND ORS

.....Respondents

58

+

LPA 275/2024

G D GOENKA PUBLIC SCHOOL

.....Appellant

versus

ARATI BHATIA AND ORS

.....Respondents

59

+

LPA 276/2024



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ASN SR SECONDARY SCHOOL

.....Appellant

versus

AHILYA MINOCHA AND ORS

.....Respondents

60

+

LPA 277/2024

G D GOENKA PUBLIC SCHOOL

.....Appellant

versus

JYOTI SHARMA AND ORS

.....Respondents

61

+

LPA 278/2024

ASN SR SECONDARY SCHOOL

.....Appellant

versus

SULEKHA DAS AND ORS

.....Respondents

62

+

LPA 279/2024

ST MARGARET SENIOR SECONDARY SCHOOL

.....Appellant

versus

RENU ARORA AND ORS

.....Respondents

Appearances:

For the Appellant(s):

Mr. Ashok Agarwal, Mr. Anuj Agarwal, Mr. Kumar Utkarsh and Mr. Manoj Kumar, Advocates in Item Nos.10, 12 to 19, 28, 30, 31, 36 to 39, 41,42,43,44,45,46,47,48,49,50,52,53.

Mr. Nikhilesh Kumar and Mr. Pratyaksh Kumar, Advocates in Item Nos.20, 21, 22, 23, 24, 33.



Mr. Anuj Aggarwal, Mr. Pradeep Kumar, Ms. Kritika Matta and Mr. Manas Verma, Advocates in Item Nos. 32, 34, 35 & 40.

Mr. Kamal Mehta, Advocate for Appellant No.6 in Item No.24.

Mr. Yeeshu Jain ASC with Ms. Jyoti Tyagi, Ms. Arpita Goyal, Ms. Vishruti Pandey and Mr. Bhuwan Raj Seth, Advocates for Appellant-DoE in Item No.29.

Mr. Kamal Gupta, Ms. Tripti Gupta, Mr. Sparsh Aggarwal, Ms. Madhulika Singh, Ms. Sabrina Singh, Advocates in Item Nos. 62, 58, 60, 56, 54, 57, 59, 61.

For the Respondent(s): Mr. Romy Chacko, Sr. Advocate with Mr. Sachin Singh Dalal and Mr. Ashwin Romy, Advocates in Item No.28, 32, 39, 55.

Mr. Ankur Mittal and Ms. Jutirani Talukdar, Advocates in Item No.34.

Mr. Rajesh Gupta and Mr. Harpreet Singh, Advocates in Item Nos.51, 52, 53.

Mr. Kamal Gupta, Ms. Tripti Gupta, Mr. Sparsh Aggarwal, Ms. Madhulika Singh, Ms. Sabrina Singh, Advocates for Respondent Schools in Item Nos. 10, 12, 16, 17, 18, 20, 21, 22.

Mr. Yeeshu Jain ASC with Ms. Jyoti Tyagi, Ms. Arpita Goyal, Ms. Vishruti Pandey and Mr. Bhuwan Raj Seth, Advocates for Respondent-DoE in Item Nos.10, 33.

Mr. Prakhar Sharma, Ms. Piya Uppal, Ms. Riya Verma and Mr. Ayush Malik, Advocates in Item Nos.13 & 14.

Mr. Samdarshi Sanjay and Ashish Kumar Sharma, Advocates for R-1 and R-2 in Item No.24 & 29.

Mr. Pulkit Tare and Ms. Parul Madaan, Advocates for R-1 in Item Nos. 36, 37, 38, 41, 42, 43.

Mrs. Avnish Ahlawat, SC for GNCTD (Services),



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Mr. Nitesh Kumar Singh, Ms Aliza Alam, Mr Mohnish Sehrawat, Advocates in Item No.51.

Mr. Ashok Agarwal, Mr. Kumar Utkarsh and Mr. Manoj Kumar, Advocates for R-1 in Item Nos.54,55,56,58,60,62.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT (ORAL)

SUBRAMONIUM PRASAD, J.

1. This batch of appeals challenge the judgment dated 17.11.2023, passed by the learned Single Judge of this Court in W.P. (C) No. 14929/2022 and other 50 connected Writ Petitions filed by the teachers of various un-aided private schools of Delhi claiming for payment of salary as per the 6th and 7th Central Pay Commission (CPC) which is being paid to schools run by the appropriate authorities. A few of the Writ Petitions also contained certain ancillary prayers such as promotion and payment of retirement benefits as per 6th and 7th CPC.

2. The learned Single Judge has tabulated the Writ Petitions, the status of employment of the teachers and the relief sought by them in the paragraph No.3 of the impugned Judgment which reads as under:

S.No.	Petition No.	Status of Employment	Relief Sought	School Type
1	W.P.(C)-8686/2022	<ul style="list-style-type: none">The petitioner worked from July 2019 as a TGT (Hindi) with respondent school.	<ul style="list-style-type: none">For respondent no. 1 to implement its order dated 22 Nov 2021 (based on order 9 Feb 2016 in <i>Mukesh Verma & Ors. v. Director of Education & Ors.</i>).Payment of salary as per 6th CPC and other	Private Unaided School



			<ul style="list-style-type: none">benefits.• Payment of 7th CPC.• Benefit of promotion to PGT Hindi.	
2	W.P.(C)-7349/2023	<ul style="list-style-type: none">• Petitioners 1, 3, 4, 5 & 6 worked as PET, TGT, PGT, Establishment Officer and Chowkidar respectively.• Petitioner 2 retired on 31 Jul 2021.	<ul style="list-style-type: none">• Fixation and payment in terms of 7th CPC from 1 Jan 2016.• Payment of arrears and superannuation benefits with 24 % interest.• Gratuity and leave encashment based on 7th CPC.• Payment of DA, HRA, TA, MA as revised by Delhi Govt with 24 % interest.	Private Unaided School
3	W.P.(C)-13270/2022	<ul style="list-style-type: none">• The petitioner worked as PRT with respondent school.	<ul style="list-style-type: none">• Re-fixation of salary and arrears as per 6th and 7th CPC.• Payment of retiral dues (gratuity, leave encashment) @ 18 % interest.• Full salary from 9 Feb 2018 to 3 Aug 2018 under Rule 121 DSE Rules 1973.• Compliance with order 12 Oct 2021 (Delhi School Tribunal Appeal 62/2018).	Private Unaided School
4	W.P.(C)-10904/2023	<ul style="list-style-type: none">• The petitioner worked as Librarian till retirement.	<ul style="list-style-type: none">• Allowances and arrears of DA per 6th CPC from 1 Jan 2006 @ 24 %.• Allowances and arrears per 7th CPC from 1 Jan 2016 @ 24 %.	Private Unaided School
5	W.P.(C)-7402/2018	<ul style="list-style-type: none">• Assistant Teacher with respondent school.	<ul style="list-style-type: none">• Revision of salary & benefits as per 7th CPC.• 1st ACP & 2nd MACP upgradations with arrears @ 24 %.• Payment of DA as per	Private Unaided School



			Govt notification @ 24 %. • Earned salary for May 2018 @ 24 %.	
6	W.P.(C)-10121/2018	• Petitioner is a registered society; respondent school run by Samarth Shiksha Smriti charitable society.	• Set aside impugned DoE orders dated 9 Feb 2018 & 31 Jul 2018 in <i>Ashok Kumar Maheshwari v. MCL Saraswati Bal Mandir School</i> .	Private Unaided School
7	W.P.(C)-10221/2018	• Petitioner worked with respondents 2 & 3; respondent 4 is governing society.	• For respondent 1 orders to be implemented by respondents 2-4 and payment of due amount with 9 % simple interest from 9 Feb 2018.	Private Unaided School
8	W.P.(C)-24/2019	• Petitioners 1-6 working as TGT, PRT, NTT, Librarian, Lab Attendant, Lab Assistant, Sports Attendant, Asst Librarian, Instructor (Dance), Driver, Maid, Sweeper, Peon, Electrician, Mali, Housekeeper, Nurse.	• Payment of salary and DA arrears as per 6 th CPC. • Fixation and payment as per 7 th CPC with market rate interest.	Private Unaided School
9	W.P.(C)-16556/2022	• Petitioners 1-4 & 6 working as PRT, TGT, PGT, Sr. Asst Teacher; Petitioner 5 retired 31 Aug 2020.	• Payment of salary & DA arrears per 6 th CPC. • Salary, allowances, gratuity & leave encashment per 7 th CPC @ 24 %.	Private Unaided School
10	W.P.(C)-5925/2023	• Petitioners 1 & 2 working as PGT and TGT.	• Fixation of salary and arrears as per 7 th CPC @ 24 %. • Payment of DA, HRA, TA, Medical Allowance @ 24 %.	Private Unaided School
11	W.P.(C)-4563/2021	• Petitioner is a School Bus Driver working with respondent school.	• Fixation of salary and benefits as per 6 th CPC. • Fixation, arrears & benefits as per 7 th CPC @ 12 %.	Private Unaided School



12	W.P.(C)-11619/2021	• Petitioners 1–14 working as TGT, PGT and non-teaching staff.	• Fixation of salary & benefits as per 6 th CPC. • Fixation of salary & benefits as per 7 th CPC with interest. • Payment of arrears @ 18 %.	Minority Unaided School
13	W.P.(C)-3592/2022	• Petitioners 1–13 working as permanent teachers.	• Payment of arrears as per 7 th CPC from 1 Jan 2016 with interest. • Release of arrears of salary with interest.	Private Unaided School
14	W.P.(C)-10152/2022	• Petitioners 1–67 working as PGT, TGT, PRT, PPT, Lab Asst, Librarian, Steno and Account Clerk.	• Payment of arrears as per 7 th CPC from 1 Jan 2016 to Mar 2019, Bonuses, PF, LTC and MACPS @ 18 %.	Private Unaided School
15	W.P.(C)-14599/2022	• Petitioner is working as Pre-Primary Teacher.	• Revised pay scale and benefits as per 7 th CPC; payment of gratuity at enhanced rate with market interest.	Private Unaided School
16	W.P.(C)-14929/2022	• Petitioners 1–47 working as teaching and non-teaching staff.	• Payment of arrears of salary at 7 th CPC from 1 Mar 2016 to 31 Jul 2021 and DA @ 17 %. • Payment of TA, DA, HRA from 1 Aug 2021. • Bonus due since 2013.	Private Unaided School
17	W.P.(C)-15614/2022	• Petitioner worked as PGT (Commerce).	• Payment of arrears of salary arising out of 7 th CPC from 1 Jan 2016 @ 24 %. • Payment of DA, HRA & TA as declared by Delhi Govt @ 24 %.	Private Unaided School
18	W.P.(C)-15865/2022	• Multiple petitioners (1–15) serving as TGT, PGT and PRT in respondent school since 1990s with various promotions.	• Payment of arrears arising out of 6 th CPC from 1 Jan 2006 and 7 th CPC from 1 Jan 2016 @ 24 %.	Private Unaided School



			<ul style="list-style-type: none">• Payment of DA as declared and revised with interest.	
19	W.P.(C)-17738/2022	<ul style="list-style-type: none">• Petitioner is a Teacher with respondent no. 2.	<ul style="list-style-type: none">• Payment of TA, DA, HRA, conveyance, pay grade, ACP/MACP as per 5th, 6th and 7th CPC @ 24 %.• Payment of arrears and benefits as per 5th CPC.	Private Unaided School
20	W.P.(C)-155/2023	<ul style="list-style-type: none">• Petitioners 1, 2, 3 & 5 working as TGTs; Petitioner 4 as PGT.	<ul style="list-style-type: none">• Payment of 7th CPC arrears of DA from 1 Jan 2016.• Payment of TA, MA & SA dues with 24 %.• Restoration of 33 % salary deducted Jun 2020–Jan 2022.	Private Unaided School
21	W.P.(C)-707/2023	<ul style="list-style-type: none">• Petitioner is working as PRT (English).	<ul style="list-style-type: none">• Payment of salary as per 7th CPC; arrears of salary and allowances with 24 % interest.	Private Unaided School
22	W.P.(C)-1120/2023	<ul style="list-style-type: none">• Petitioners 1 & 2 worked as Senior Teaching Staff.	<ul style="list-style-type: none">• Payment of arrears of salary and allowances with 24 % interest and benefits as per 6th CPC.• Payment of gratuity and leave encashment based on 6th CPC salaries with 24 % interest.	Private Unaided School
23	W.P.(C)-1124/2023	<ul style="list-style-type: none">• Petitioners 1–3 worked as PRT, TGT and Nurse respectively.	<ul style="list-style-type: none">• Payment of salary and arrears with all allowances and DA as per 6th CPC.• Payment of salary and arrears with allowances and DA as per 7th CPC with 24 % interest.	Private Unaided School
24	W.P.(C)-	<ul style="list-style-type: none">• Petitioner worked as	<ul style="list-style-type: none">• Payment of salary,	Private



	1161/2023	Aaya with respondent school.	arrears and all allowances with DA as per 6 th CPC. • Payment of salary, arrears and all allowances with DA as per 7 th CPC @ 24 %.	Unaided School
25	W.P.(C)-710/2023	• Petitioners 1 & 2 worked as PGT and Non-teaching staff.	• Payment of salary, arrears and all allowances with DA as per 6 th CPC. • Payment of salary, arrears and all allowances with DA as per 7 th CPC @ 24 %.	Private Unaided School
26	W.P.(C)-732/2023	• Petitioners 1 & 2 worked as PGT.	• Payment of salary, arrears and allowances with DA as per 6 th CPC. • Payment of salary, arrears and allowances as per 7 th CPC @ 24 %.	Private Unaided School
27	W.P.(C)-712/2023	• Petitioners 1 & 2 worked as TGT and Yoga Teacher.	• Fixation of salary, gratuity, leave encashment, arrears of DA/HRA/TA as per 7 th CPC @ 24 %. • Payment of gratuity & leave encashment benefits as per 7 th CPC.	Private Unaided School
28	W.P.(C)-1917/2023	• Petitioners 1–4 retired TGTs of respondent school.	• Payment of arrears of salaries in terms of 7 th CPC till superannuation with DA/HRA/TA/MA @ 24 %. • Gratuity & leave encashment benefits as per 7 th CPC from 1 Jan 2016.	Private Unaided School
29	W.P.(C)-2076/2023	• Petitioners 1 & 2 worked as PGT (Commerce) and PGT	• Payment of arrears of salary in terms of 7 th CPC from 1 Jan 2016 @ 24 %.	Private Unaided School



		(Biology).	<ul style="list-style-type: none"> • Payment of TA, MA & SA with 24 % interest. 	
30	W.P.(C)-2090/2023	<ul style="list-style-type: none"> • Petitioners 1–3 retired PRTs. 	<ul style="list-style-type: none"> • Payment of arrears of salaries in terms of 7th CPC till superannuation with DA/HRA/TA/MA @ 24 %. • Gratuity and leave encashment benefits as per 7th CPC from 1 Jan 2016. 	Private Unaided School
31	W.P.(C)-2091/2023	<ul style="list-style-type: none"> • Petitioner joined as Librarian (TGT) on 3 Apr 1995, promoted to Senior Librarian (PGT) on 1 Nov 2007, superannuated on 15 Jun 2020. 	<ul style="list-style-type: none"> • Payment to petitioner in terms of 7th CPC from 1 Jan 2016, arrears of salary till superannuation, DA, HRA, TA with 24 % interest. • Payment of gratuity and leave encashment based on salaries per 7th CPC. 	Private Unaided School
32	W.P.(C)-2229/2023	<ul style="list-style-type: none"> • Petitioner joined as PRT, later promoted to TGT, retired on 30 Jun 2017 as Senior TGT. 	<ul style="list-style-type: none"> • Payment of allowances and arrears of DA per 6th CPC from 1 Jan 2006 @ 24 %. • Gratuity, leave encashment, and allowances as per 7th CPC from 1 Jan 2016 @ 24 %. 	Private Unaided School
33	W.P.(C)-4321/2023	<ul style="list-style-type: none"> • Petitioner working as PGT (Mathematics), relieved after resignation. 	<ul style="list-style-type: none"> • Payment as per 7th CPC from 1 Jan 2016 including arrears till 31 Mar 2021 @ 24 %. • Payment of DA, HRA, TA as revised by Govt. of Delhi @ 24 %. 	Private Unaided School
34	W.P.(C)-4778/2023	<ul style="list-style-type: none"> • Petitioners 1–5 worked as TGT and Librarian. 	<ul style="list-style-type: none"> • Payment of arrears of salary, gratuity, leave encashment, DA, HRA, TA, MA as per revised 7th 	Private Unaided School



			CPC rates @ 24 %.	
			<ul style="list-style-type: none"> • Payment of same benefits as per revised Govt. of NCT Delhi rates @ 24 %. 	
35	W.P.(C)-4793/2023	• Petitioner worked as Assistant Teacher.	<ul style="list-style-type: none"> • Payment of arrears of salary, 50 % remaining leave encashment, gratuity, TA, DA, HRA as per 7th CPC with 24 % interest. 	Private Unaided School
36	W.P.(C)-5290/2023	• Petitioners 1–6 worked as PRT, TGT, Assistant Teacher.	<ul style="list-style-type: none"> • Fixation of salary, arrears, DA, HRA, TA and grant of gratuity & leave encashment as per 7th CPC @ 24 %. 	Private Unaided School
37	W.P.(C)-5717/2023	• Petitioner worked as TGT.	<ul style="list-style-type: none"> • Fixation of salary, arrears, and grant of gratuity, leave encashment, DA, HRA, TA as per 7th CPC @ 24 %. 	Private Unaided School
38	W.P.(C)-5767/2023	• Petitioner worked as TGT.	<ul style="list-style-type: none"> • Payment of arrears of salary as per 7th CPC @ 24 %. • Payment of DA, HRA, TA, gratuity for service 13 Jul 2013–31 Mar 2014 with 24 % interest. 	Private Unaided School
39	W.P.(C)-6447/2023	• Petitioner worked as TGT, retired 30 Nov 2020.	<ul style="list-style-type: none"> • Payment of arrears of salary and benefits as per 6th CPC with interest. • Payment of arrears and gratuity per 7th CPC with interest. 	Private Unaided School
40	W.P.(C)-6465/2023	• Petitioner appointed as PRT on 3 Jan 1994 (on probation).	<ul style="list-style-type: none"> • Implementation of 7th CPC under order dated 17 Oct 2017 from 1 Jan 2016; payment of all arrears & gratuity with interest. 	Private Unaided School



			<ul style="list-style-type: none"> • Payment of arrears of 6th CPC from 1 Jan 2006 with interest. 	
41	W.P.(C)-6486/2023	<ul style="list-style-type: none"> • Petitioner appointed on probation as PRT (Science) by respondents 1 & 2 on 3 Jul 1991. 	<ul style="list-style-type: none"> • Implementation of 7th CPC under order dated 17 Oct 2017 from 1 Jan 2016; payment of all arrears & gratuity with interest. • Payment of arrears of 6th CPC from 1 Jan 2006 with interest. 	Private Unaided School
42	W.P.(C)-10557/2023	<ul style="list-style-type: none"> • Petitioners 1–61 worked as TGT, PRT, NTT, Librarian, Lab Assistant. 	<ul style="list-style-type: none"> • Payment of arrears of salary as per 6th CPC. • Payment of arrears of salary from 1 Jul 2021 onward, benefits of gratuity, DA, HRA, TA as per 7th CPC @ 24 %. 	Private Unaided School
43	W.P.(C)-10584/2023	<ul style="list-style-type: none"> • Petitioner worked as Establishment In-charge. 	<ul style="list-style-type: none"> • Release of gratuity and terminal benefits, leave encashment, TA/DA arrears, interest as per 6th CPC. • Release of same benefits as per 7th CPC. 	Minority Unaided School
44	W.P.(C)-803/2019	<ul style="list-style-type: none"> • Petitioner worked as Nursery Teacher. 	<ul style="list-style-type: none"> • Payment of arrears of salary and benefits (gratuity, leave encashment, DA, HRA, TA) as per 6th CPC. • Payment of same as per 7th CPC with 24 % interest. 	Private Unaided School
45	W.P.(C)-5565/2022	<ul style="list-style-type: none"> • Petitioner worked as Librarian since 1 Jan 2000. 	<ul style="list-style-type: none"> • Payment of arrears arising out of 6th CPC from 1 Jan 2016 @ 24 %. • Fixation and payment as per 7th CPC from 1 Jan 	Private Unaided School



			2016 with 24 %. • Payment of DA as revised by Govt. of Delhi. • Restoration of February 2020 salary with 24 %.	
46	W.P.(C)-5587/2022	• Petitioner worked as Assistant Teacher since 1 Apr 2009.	• Payment of arrears of salary arising out of 6 th CPC from 1 Jan 2016 @ 24 %. • Fixation & arrears as per 7 th CPC from 1 Jan 2016 @ 24 %. • Payment of DA as revised by Delhi Govt with 24 %.	Private Unaided School
47	W.P.(C)-6333/2020	• Petitioner working as Art & Craft Teacher.	• Fixation of salary, arrears, other allowances, NPL Bonus, LTC etc. as per 7 th CPC with 12 % interest.	Private Unaided School
48	W.P.(C)-6317/2023	• Petitioner worked as Assistant Teacher.	• Payment of arrears of salary, allowances, DA, gratuity, leave encashment as per 7 th CPC @ 24 %. • Payment of interim amount already released to others as per 7 th CPC.	Private Unaided School
49	W.P.(C)-11276/2023	• Petitioners 1 & 2 worked as TGT and Assistant Teacher.	• Payment of arrears of salary as per 6 th and 7 th CPC with 24 % interest. • Payment of illegally deducted salary with 24 %.	Private Unaided School
50	W.P.(C)-11225/2022	• Petitioner worked as Lab Attendant.	• Fixation and payment of salary & arrears including DA as per 6 th and 7 th CPC.	Private Unaided School



51	W.P.(C)-6848/2023	<ul style="list-style-type: none">Petitioner worked as TGT.	<ul style="list-style-type: none">Payment of arrears of salary and all allowances with DA as per 7th CPC with 9 % interest.	Minority Unaided School
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3. The claim of the teachers and the employers is based on the rights conferred under Section 10 of the Delhi School Education Act, 1973, (*hereinafter referred to as 'the DSE Act'*) the same reads as under:

“Section 10. Salaries of employees.

(1) The scales of pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits of the employees of a recognised private school shall not be less than those of the employees of the corresponding status in schools run by the appropriate authority:

Provided that where the scales of pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits of the employees of any recognised private school are less than those of the employees of the corresponding status in the schools run by the appropriate authority, the appropriate authority shall direct, in writing, the managing committee of such school to bring the same up to the level of those of the employees of the corresponding status in schools run by the appropriate authority:

Provided further that the failure to comply with such direction shall be deemed to be non-compliance with the conditions for continuing recognition of an existing school and the provisions of section 4 shall apply accordingly.

(2) The managing committee of every aided school shall deposit, every month, its share towards pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits with the



Administrator and the Administrator shall disburse, or cause to be disbursed, within the first week of every month, the salaries and allowances to the employees of the aided schools.”

4. A perusal of the impugned Judgment indicates that the Department of Education supported the claim of the teachers by contending that the schools are liable to pay salaries as per the 6th and 7th CPC. The management of the Schools opposed the Writ Petitions by stating that several Writ Petitions ought to be dismissed on the grounds of laches and delay. It was also contended that if at all the prayers, as prayed for in the Writ Petitions, have to be granted, the arrears of not more than three years should be given to the teachers. It is also contended by some of the schools that the schools are not being permitted to raise the fee structure and, therefore, they are not in a position to pay salaries to their teachers in accordance with 6th and 7th CPC. Certain other objections like the eligibility of certain teachers to claim salaries in accordance with 6th and 7th CPC on several grounds like appointment of teachers not being done in a proper fashion etc. were also taken. Learned Single Judge, on the basis of the pleadings, framed certain common issues. Relevant portion of the Judgment where the learned Single Judge has framed the issues, reads as under:

“59. It is pertinent to mention herein that by way of this combined judgment, this Court will be dealing with various issues pertaining to the present batch of petitions. Upon perusal of the contents of the petitions, as enumerated in the tabulated figure mentioned hereinabove, this Court has been able to draw out the following common issues required to be adjudicated in this petition:

1. Applicability of the recommendations of 7th



CPC on the recognized private unaided schools and recognized private unaided minority schools along with the arrears of 6th CPC (salaries, arrears of salaries and retirement/terminal benefits).

2. Delay and laches

- i. in claiming the arrears of retirement/terminal benefits;*
- ii. in claiming the arrears of salaries qua the 6th CPC;*
- iii. in claiming the arrears of salaries, allowances etc. qua the 7th CPC.”*

5. While analyzing the various contentions raised by the Schools, like the paucity of funds etc., the learned Single Judge framed certain pointed issues at paragraph No.102 of the impugned Judgment which reads as under:

“102. The relevant submissions and issues have been addressed herein above. At this juncture, it is imperative to frame the following issues for adjudication of the instant batch of petitions and the same are as follows:

A) Whether paucity of funds can be a ground for non-implementation of 6th and 7th CPC by any recognized school?

B) Whether it is mandatory for the private unaided school to implement the recommendations of 6th and 7th CPC?

C) Whether it is mandatory for the private unaided minority School to implement the recommendations of 6th and 7th CPC?

D) Whether the Writ Petitions are hit by delay and laches and claim can be restricted to 3 years only?”



6. The learned Single Judge, after placing reliance on the Judgments passed by the Apex Court, the Division Bench and the Single Bench of this Court, had held that the paucity of funds cannot be a ground for non-implementation of 6th and 7th CPC. The learned Single Judge has also rejected the argument of delay and latches. The contention of the schools that the claim of the teachers should be limited only to a period of three years has also been rejected by the learned Single Judge. The learned Single Judge has also held that Section 10 of the DSE Act is mandatory in nature and the teacher of private schools are entitled to the same benefits which are being given to their counter parts in schools run by various authorities. *Vide* the impugned Judgment, the learned Single Judge constituted a Committee. Purportedly, the purpose of the Committee was only to inspect the claims of the Petitioners and decide the same keeping in mind the various factors. Paragraph No.198-206 of the impugned Judgment, wherein the learned Single Judge has laid down the guidelines for the constitution of the Committee and its roles, reads as under:

“198. Accordingly, this Court is of the considered view that this is a fit case to exercise its extraordinary writ jurisdiction and to ensure that there is implementation of the recommendations of Pay Commission. This Court shall ensure that the arrears of the petitioners’ are being duly paid to them whilst ensuring that the schools have the requisite funds to pay the same to their staff.

199. This Court deems it necessary to authorize and constitute independent Committee for meticulous inspection of the claims raised by the petitioners and the members thereto, and shall decide the same



keeping in mind the various factors.

200. In the interest of justice, this Court is directing the Government of National Capital Territory of Delhi to constitute a "High-Powered Committee" unless the same is already constituted, to supervise the implementation of recommendations and guidelines prescribed in the 6th and 7th CPC with regards to the salaries and arrears thereto, retirement/terminal benefits, arrears of allowances etc. and to draw up a plan of action which may help in achieving results at the ground-level.

201. The various stakeholders are also directed to render full cooperation to the aforesaid 'High-Powered Committee' bearing in mind that the issues being examined is the one which concerns all and sundry.

202. Since the facts and circumstances are peculiar to each stakeholder, therefore, the said Committee before passing any order, is directed to scrutinize the various aspects and only after due assessment of the eligibility, validity of appointment, amount, period of calculation, revision of fee etc., it shall pass the orders. The Committee shall undertake an exercise of identification of the issues and claims of the stakeholders individually.

203. The objectives of the Committee are summarized herein below:

- The Committee must ensure that the staff of the school should not be left on a wing and a prayer. It must be ensured that the rightful dues of the staff should be paid to them without any further delay.*
- The Committee must devise a mechanism that the staffs of the schools are being paid their dues irrespective of the fact that the schools do not have*



the requisite funds.

- *The Committee must ensure that the grievances of the superannuated employees of the schools are also being addressed by it. Moreover, the Committee must ensure that the retirement/terminal benefits to which the employees are entitled to shall be duly paid to them.*
- *The Committee must look into the aspect that whether the staff of the schools who have been illegally appointed are entitled to the arrears of the 6th and 7th Pay Commissions.*
- *The Committee shall ensure that there is a mechanism that in future too if any dispute arises pertaining to the implementation of recommendations of Pay Commission, the same may be addressed by way of the High-Powered Committee. Hence, the Committee shall ensure that there is a redressal of not merely the present disputes but also of the future dispute, that may arise.*

204. In view of the above, the High-Powered Committees shall be constituted at two levels, first at the 'Central level' and second at the 'Zonal level'. Details of the said Committees are as follows:

1. Zonal level-

(i) Members -

- *Zonal head of the concerned zone, i.e., the Zonal Education Officer.*
- *One representative of the schools.*
- *One reputed Chartered Accountant recommended by the Institute of Chartered Accountants of India.*

(ii) This Committee shall deal with the issue of fee hike; salaries and other benefits due in terms of 7th CPC; arrears of salaries and other benefits due in terms of 6th CPC;



arrears of retirement/terminal benefits due in terms of 6th CPC and 7th CPC.

(iii) It is directed that the Zonal level Committee shall convene the first meeting within eight weeks and shall, after hearing the parties, decide the claims of the various stakeholders in accordance with the observations made by this Court hereinabove and also in accordance with the law, expeditiously, preferably within eight weeks of receiving the claim.

(iv) This Committee shall recommend its findings to the Committee constituted at the Central level for final decision.

2. Central level-

(i) Members-

- The Secretary of Education shall be the head of this Committee.*
- The Director of Education, DoE.*
- One reputed Chartered Accountant recommended by the Institute of Chartered Accountants of India.*
- One representative from the schools.*
- A reputed academician appointed by the Secretary in consultation with the other members. In the case of any disagreement on the appointment of the concerned academician, the recommendation of the Secretary shall prevail.*

(ii) This Committee, after receiving the recommendations of the Zonal level Committee shall decide the issue recommended to it, expeditiously, preferably within six weeks from



the date of receiving the said recommendation.

205. The DoE is directed to issue a notification within two weeks from the date of pronouncement of this judgment, for the purpose of convening zonal committee, wherein, various stakeholders including teaching and non- teaching staff of several schools, who are aggrieved by the non-implementation of the Pay Commission shall file their claim before the concerned Zonal Committee.

206. This Court is of the opinion that by way of the said Committee the grievances of the various stakeholders will be addressed and the recommendations of the Pay Commissions will be implemented in accordance with the law and the observations/directions made by this Court in the foregoing paragraphs.”

7. It is this portion of the Order which has been challenged in the present batch of appeals.

8. The teachers have challenged the portion of the Order by which the claims of the teachers have been relegated to be decided by the Committees. It is contended by the learned Counsels appearing for the teachers that once the learned Single Judge has come to the conclusion that the teachers are entitled to the benefits of 6th and 7th CPC and also that the claims of the teachers cannot be restricted to only three years and that Section 10 of the DSE Act is mandatory in nature, the learned Single Judge ought to have allowed the Writ Petitions and not relegated the judicial function by constituting Committees at Zonal and Central level.

9. The Schools have also challenged the Order passed by the learned Single Judge. It is contended by the learned Counsels appearing for the



Schools that the rights for private un-aided schools to fix their fee depending on their expenses, has been recognized by the Apex Court in T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481. It is contended by the learned Counsels for the School that the learned Single Judge has not considered the right of the schools to fix their fee commensurate to their expenses which is recognized under Section 17 & 18 of the DSE Act and the Delhi School Education Rules, 1973. Sections 17 & 18 of the DSE Act reads as under:

“Section 17. Fees and other charges.

(1) No aided school shall levy any fee or collect any other charge or receive any other payment except those specified by the Director.

(2) Every aided school having different rates of fees or other charges or different funds shall obtain prior approval of the prescribed authority before levying such fees or collecting such charges or creating such funds.

(3) The manager of every recognised school shall, before the commencement of each academic session, file with the Director a full statement of the fees to be levied by such school during the ensuing academic session, and except with the prior approval of the Director, no such school shall charge, during that academic session, any fee in excess of the fee specified by its manager in the said statement.

Section 18. School Fund.

(1) In every aided school, there shall be a fund, to be called the "School Fund", and there shall be credited thereto—

(a) any aid granted by the Administrator,



(b) income accruing to the school by way of fees, charges or other payments, and
(c) any other contributions, endowments and the like.

(2) The School Fund and all other funds, including the Pupils' Fund, established with the approval of the Administrator, shall be accounted for and operated in accordance with the rules made under this Act.

(3) In every recognised unaided school, there shall be a fund, to be called the "Recognised Unaided School Fund", and there shall be credited thereto income accruing to the school by way of—

(a) fees,
(b) any charges and payments which may be realised by the school for other specific purposes, and
(c) any other contributions, endowments, gifts and the like,

(4) (a) Income derived by unaided schools by way of fees shall be utilised only for such educational purposes as may be prescribed; and

(b) charges and payments realised and all other contributions, endowments and gifts received by the school shall be utilised only for the specific purpose for which they were realised or received.

(5) The managing committee of every recognised private school shall file every year with the Director such duly audited financial and other returns as may be prescribed, and every such return shall be audited by such authority as may be prescribed."

10. Learned Counsels for the Schools place reliance on the Judgment passed by the Division Bench of this Court in Social Jurist v. Govt. (NCT of



Delhi), **2019 SCC OnLine Del 11404**, wherein the Division Bench of this Court has recognized the rights of the schools to fix their fee. Learned Counsels for the Schools have also taken this Court to an Order passed by the Apex Court in its Order dated 02.01.2024 in **Special Leave Petition (Civil) Diary No(s).48722/2023**, titled as “Greenfields Public School v. Anchla & Ors.”, wherein the School therein had challenged the directions to implement the 7th CPC on the ground that their right to fix fee has been curtailed and they cannot be directed to pay salary as per the 7th CPC. Learned Counsels for the School has taken this Court through the said order which reads as under:

“3. The petitioner is a private school and is concerned with the direction given in the impugned judgment dated 23.08.2023 in the LPA No.567/2023 whereunder the Division Bench of the High Court observed that since the school is paying salaries to their serving employees as per the recommendation of the 7th Pay Commission, such salary benefit cannot be denied to those employees, who have since retired from service.

4. Learned senior counsel submits that the school is in fact interested to remit salary as per the recommendation of the 7th Pay Commission for their employees. But the counsel then refers to the interim order passed in the connected group proceedings on 24.05.2019 (Annexure P-8) whereby the concerned schools were restrained from hiking the fee. Simultaneously the Director of Education was also restrained from taking any coercive action against the Schools. The said interim order was made absolute on 19.09.2019 (Annex-P-9). The counsel informs that those writ petitions are pending final consideration before the High Court.



5. As can be seen from paragraph 14 of the judgment dated 2.6.2023 in W.P (C) No.6521/2021, an interim order was passed in the Writ Petition (Civil) No.1635 of 2020 titled *Rambir Singh Malik & Ors. v. Greenfield Public School and Others*, whereunder direction was issued to disburse only 25% of the arrears, to the petitioners in the said proceeding.

6. According to the Mr. Divan although the school is interested to remit salary under the 7th Pay Commission but their concern is the Court's restraint order on raising fee, to enable the School to bear the burden of salary arrears.

7. Taking note of above submission, subject to the petitioner depositing 25% of the arrears payable to the concerned writ petitioners in WP (C) No.6521/2021 in the High Court, notice returnable in four weeks is issued. The petitioners are granted eight weeks' time to compute and deposit the arrear sum in the Registry of the High Court. The writ petitioners in the High Court are at liberty thereafter to receive the amount, as per their entitlement. Subject to the aforesaid deposit of 25%, the payment of the remaining part of the arrears shall remain stayed.

8. However, this limited intervention should not be understood as restraining the High Court from continuing with the ongoing group cases.”

11. It is stated by the learned Counsels for the Schools that the learned Single Judge has not even adverted to the said Order. They state that since the issue of implementation of the recommendations of the 7th CPC is pending before the Apex Court, the learned Single Judge ought not to have adjudicated the matter.

12. It is further stated by the learned Counsels appearing for the Schools



that Petitions have been filed by the schools against the Government for enforcing their rights to fix fee in terms of the provisions of the DSE Act before this Court and the said Petitions have substantially been heard by another learned Single Judge of this Court.

13. Heard the learned Counsels for the teachers and the schools and perused the material on record.

14. In the opinion of this Court, the portion of the impugned Judgment wherein the learned Single Judge has constituted Committees at the Zonal and Central level to deal with the issues of fee hike, payment of salaries to the teachers as per the recommendations of the 6th and 7th CPC, and to consider as to whether the teachers would be entitled to the claims as sought for in the Writ Petitions, actually tantamounts to relegating the judicial functions to the said Committees, which is not permissible in law. Undoubtedly, the Courts, in exercise of their powers under Article 226 of the Constitution of India, can constitute committees but these committees are only fact finding in nature. Judicial functions cannot be relegated to these Committees. What the learned Single Judge has done is that he has conferred upon the Committees the judicial power to decide the entitlement/claim of teachers by considering their claims and the objections raised by the Schools. Furthermore, there is no representative of the teachers in the Committee. At best, the learned Single Judge could have formed these Committees to furnish a report to the Court and then the Court ought to have adjudicated upon the issues raised by the teachers and the schools without giving the Committees the power to decide the issues.

15. In Kantha Vibhag Yuva Koli Samaj Parivartan Trust v. State of Gujarat, (2023) 13 SCC 525, the Apex Court has observed as under:



“17. It is first important to differentiate Expert Committees which are set up by the courts/tribunals from those set up by the Government in exercise of executive powers or under a particular statute. The latter are set up due to their technical expertise in a given area, and their reports are, subject to judicially observed restraints, open to judicial review before the courts when decisions are taken solely based upon them. The precedents of this Court unanimously note that courts should be circumspect in rejecting the opinion of these committees, unless they find their decision to be manifestly arbitrary or mala fide [Basavaiah v. H.L. Ramesh, (2010) 8 SCC 372 : (2010) 2 SCC (L&S) 640 (in relation to appointment in an academic institution); State of Kerala v. RDS Project Ltd., (2020) 9 SCC 108 (in relation to safety of a flyover project)] . On the other hand, the courts/tribunals themselves set up Expert Committees on occasion. These committees are set up because the fact-finding exercise in many matters can be complex, technical and time-consuming, and may often require the committees to conduct field visits. These committees are set up with specific terms of reference outlining their mandate, and their reports have to conform to the mandate. Once these committees submit their final reports to the court/tribunal, it is open to the parties to object to them, which is then adjudicated upon. The role of these Expert Committees does not substitute the adjudicatory role of the court or tribunal. The role of an Expert Committee appointed by an adjudicatory forum is only to assist it in the exercise of adjudicatory functions by providing them better data and factual clarity, which is also open to challenge by all the parties concerned. Allowing for objections to be raised and considered makes the process fair and participatory for all the stakeholders.”

16. A reading of the abovementioned Judgment shows that the Apex



Court was clear that the committees which are set-up by the Court are different from the committees set up by the Government conferring certain adjudicatory rights. The Courts cannot relegate judicial functions to the Committees asking them to adjudicate upon a *lis* which is the function of Courts/Tribunals. The judicial functions are to be discharged by the Judges and cannot be delegated to any Committee formed by Courts. Committees can only be constituted by the Courts to give a report on the facts to assist the Court in adjudicating rival claims.

17. The Apex Court in Jamal Uddin Ahmad v. Abu Saleh Najmuddin, (2003) 4 SCC 257, has observed as under:-

“14. The judicial function entrusted to a Judge is inalienable and differs from an administrative or ministerial function which can be delegated or performance whereof may be secured through authorization.

“The judicial function consists in the interpretation of the law and its application by rule or discretion to the facts of particular cases. This involves the ascertainment of facts in dispute according to the law of evidence. The organs which the State sets up to exercise the judicial function are called courts of law or courts of justice. Administration consists of the operations, whatever their intrinsic nature may be, which are performed by administrators; and administrators are all State officials who are neither legislators nor judges.”

(See Constitutional and Administrative Law, Phillips and Jackson, 6th Edn., p. 13.) P. Ramanatha Aiyar's Law Lexicon defines judicial function as the doing of something in the nature of or in the course of an action in court. (p. 1015) The distinction between “judicial”



and “ministerial acts” is:

If a Judge dealing with a particular matter has to exercise his discretion in arriving at a decision, he is acting judicially; if on the other hand, he is merely required to do a particular act and is precluded from entering into the merits of the matter, he is said to be acting ministerially. (pp. 1013-14)

Judicial function is exercised under legal authority to decide on the disputes, after hearing the parties, maybe after making an enquiry, and the decision affects the rights and obligations of the parties. There is a duty to act judicially. The Judge may construe the law and apply it to a particular state of facts presented for the determination of the controversy. A ministerial act, on the other hand, may be defined to be one which a person performs in a given state of facts, in a prescribed manner, in obedience to the mandate of a legal authority, without regard to, or the exercise of, his own judgment upon the propriety of the act done. (Law Lexicon, ibid., p. 1234). In ministerial duty nothing is left to discretion; it is a simple, definite duty. Presentation of election petition to the High Court within the meaning of Section 81 of the Act without anything more would mean delivery of election petition to the High Court through one of its officers competent or authorized to receive the same on behalf of and for the High Court. Receiving an election petition presented under Section 81 of the Act is certainly not a judicial function which needs to be performed by a Judge alone. There is no discretion in receiving an election petition. An election petition, when presented, has to be received. It is a simple, definite duty. The date and time of presentation and the name of the person who presented (with such other particulars as may be prescribed) are to be endorsed truly and mechanically on the document presented. It is a



ministerial function simpliciter. It can safely be left to be performed by one of the administrative or ministerial staff of the High Court which is as much a part of the High Court. It may be delegated or be performed through someone authorized. The manner of authorization is not prescribed.

15. The High Court, in authorizing an official to receive an election petition either by collective decision of all the Judges or under the directions of the Chief Justice of the High Court, does not “delegate” any of its functions, much less a judicial function; it merely “authorizes” an official to do an act incidental to the main judicial function of trial of an election petition which is entrusted to the High Court exercisable ordinarily by a Single Judge of the High Court assigned by the Chief Justice for that purpose. Such authorization whether made by Rules of the High Court or by decision of the Court or by an order of the Chief Justice shall hold good unless there be a provision to the contrary in the Act or in the rules framed by the Central Government in exercise of the powers conferred by Section 169 of the Act, which there is none.”

18. In view of the above, this Court is not in a position to sustain that portion of the Order of the learned Single Judge wherein he has formed the Committees at the zonal and the central level to decided the issues of the teachers and the school.

19. There is also force in the contention raised by the schools that several contentions of the schools like eligibility of teachers for claiming benefit as per the recommendations of 6th and 7th CPC, their mode of appointment, the issue regarding rights of the schools to hike fee, etc., have gone un-noticed. In the opinion of this Court, these issues were raised before the learned



Single Judge but the same have not been referred to in the impugned Judgment.

20. In view of the above, this Court is inclined to set aside the impugned Judgment and remand the matter back to the Roster Bench for fresh consideration. It is made clear that this Court has not made any observations on the merits of the case and all the rights and contentions of the parties are left open to be adjudicated by the learned Single Judge.

21. With these observations, the appeals are disposed of along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

OCTOBER 10, 2025

Rahul