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

+ W.P.(C) 5228/2025

INDERJIT KAUR

.....Petitioner

Through: Mr. Anuj Aggarwal, Mr. Manas Verma, Mr. Pradeep Kumar & Ms. Kritika Mattu, Advocates.

versus

LIONS PUBLIC SCHOOL
RECOGNISED SCHOOL & ORS.

.....Respondents

Through: Mr. Vivek Kumar Tandon, Ms. Prerna Tandon & Mr. Harshit S. Gahlot, Advocates for R-1.
Ms. Latika Choudhary, Advocate for GNCTD.
Ms. Seema Dola, Advocate for R-5/CBSE.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **24.04.2025**

CM APPL. 23818/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 23817/2025 (Additional documents on record)

The petitioner has filed this application for placing additional documents on record.

For the reasons stated, the application is allowed, and additional documents are taken on record.



W.P.(C) 5228/2025 & CM APPL. 23816/2025,

1. The petitioner assails an order of the Delhi School Tribunal dated 21.01.2025 [“Tribunal”] insofar as it declined the relief of reinstatement of the petitioner, while allowing her appeal against an order of termination dated 29.03.2022 passed by the respondent No. 1 – Lions Public School [“School”].
2. The petitioner was appointed as Assistant Teacher in the School on 01.08.2008, and was promoted to the post of Trained Graduate Teacher [“TGT”] – Science in the year 2011, and then to Post Graduate Teacher – Biology in the year 2015.
3. Litigation ensued between the petitioner (and other teachers) and the School, concerning payment of salaries in accordance with the recommendation of the Sixth and Seventh Pay Commissions. It is the petitioner’s case that the School has failed to abide by its obligation under the Delhi School Education Act and Rules, 1973 [“DSEAR Rules”] in this regard, and instead issued a termination letter dated 29.03.2022 to her, on the pretext that Biology was no longer offered in the School at the senior-secondary level, due to fewer students opting for it.
4. The Directorate of Education [“DoE”], by an order dated 01.08.2022, directed the School to reinstate the petitioner in service, on the ground that it had not obtained the requisite prior approval of the DoE, required under the DSEAR Rules, before terminating service. The said order has been challenged by the School in W.P.(C) 15283/2022, which remains pending, but no interim order has been granted.
5. In the meanwhile, the petitioner approached the Tribunal in an appeal against the termination order, which has resulted in the impugned



judgment in the aforesaid terms:-

“85. So far as the appellant Inderjit Kaur who has served for period of more than one decades with the respondent no.1 &2 as such this tribunal is found justified to pay a lumpsum compensation for sum of Rs. 20,00,000/- (Twenty Lacs only) in lieu of termination. The amount of compensation to both the appellant is payable by the respondent no. 1 & respondent no. 2 within a period of four weeks time failing which are liable to pay the above said compensation amount alongwith interest @ 10 % per annum till its realization. The amount of compensation as awarded to the appellant seems to be justified and equit in lieu of reinstatement to meet the end of justice.

With the above, the present appeal no. 20/2022 titled as Mukesh Kumar Verma Vs. Lions Public School & Ors. and appeal no. 21/2022 titled as Inderjit Kaur Vs. Lions Public School & Ors. titled are disposed off. Parties left to bear their own costs.”

6. I am informed that the amount of Rs. 20,00,000/-, awarded in lieu of reinstatement, has already been paid to the petitioner herein.

7. The position which emerges is that the DoE has passed an order dated 01.08.2022, directing the reinstatement of the petitioner, but the petitioner has not yet been reinstated, and the Tribunal’s order does not require reinstatement at all.

8. The matter, thus, requires further consideration.

9. Issue notice. Mr. Vivek Kumar Tandon, learned counsel, accepts notice on behalf of respondent No. 1 – School, Ms. Latika Choudhary, learned counsel, accepts notice on behalf of Government of National Capital Territory of Delhi [“GNCTD”] and Ms. Seema Dolo, learned counsel, accepts notice on behalf respondent No. 5 – Central Board of Secondary Education [“CBSE”].

10. Mr. Anuj Aggarwal, learned counsel for the petitioner, seeks an interim stay of the School’s advertisement for the post of TGT-Science. He submits that, although the petitioner was already working as PGT-



Biology, she remains qualified to teach Science at the TGT level, particularly for classes IX and X.

11. I do not consider it appropriate at this stage to pass an order staying the recruitment. The School is, however, directed to arrange its affairs, so that it will be able to implement an order of reinstatement, if the petitioner succeeds in the writ petition. If it has no other vacancy against which the petitioner will be reinstated, then the recruitment to the post of TGT-Science must be made subject to the outcome of the writ petition, and the School shall so inform the selected candidate accordingly.

12. The respondents are directed to file counter affidavits within four weeks. Rejoinder thereto, if any, may be filed within two weeks thereafter.

13. The amount of Rs.20,00,000/-, having been received by the petitioner in lieu of reinstatement which she now seeks, without prejudice to the parties' rights and contentions, shall be deposited by the petitioner with the Registrar General of this Court, within two weeks.

14. List the writ petition alongwith W.P.(C) 15283/2022 on 14.07.2025.

PRATEEK JALAN, J

APRIL 24, 2025

'pv/SD'/'