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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7359/2025 & CM APPL. 33057/2025**
BENGALI SENIOR SECONDARY SCHOOL AND ANR

.....Petitioners

Through: Mr. Romy Chacko, Sr. Adv. with Mr. Akshat Singh and Mr. Joe Sebastian, Advs.

versus

DIRECTOR OF EDUCATION AND ORSRespondents

Through: Ms. Avnish Ahlawat, SC for GNCTD (Services) with Mr. N.K. Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam, Mr. M. Sehrawat and Mr. Amitoj Chadhan, Advs. for R-1.

Mr. Vinod Kumar Sharma, Adv. for R-2 to R-4.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **26.05.2025**

CM APPL. 33058/2025 (exemption) & CM APPL. 33059/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 7359/2025

3. The present petition has been filed under Article 226 of the Constitution of India seeking following relief:

(a) Issue an appropriate writ, direction or order quashing the impugned memorandum no. DDE/Zone-VII/2024/718-723 dated



26.12.2024 and communication dated 12.02.2025 issued by the Deputy Director of Education Zone – VII refusing permission for undertaking direct recruitment of staff in the petitioner school.

(b) Issue an appropriate writ, direction or order quashing the communication dated 28.03.2025 issued by the Respondent, whereby the recruitment process undertaken by the Petitioner has been declared null and void.

(c) Issue an appropriate writ, direction or order quashing the impugned memorandum no DDE/Zone-VII/2025-26/01 dated 01.04.2025 issuing show cause for restricting the grant in aid.

(d) Issue an appropriate writ, direction or order quashing the impugned memorandum no DDE/North/2025/1353-1357 rejecting the list of successful candidates sent by the petitioner school on 18.03.2025.

(e) Issue an appropriate writ, direction or order directing the Respondents to grant approval to the list of successful candidates and release the grant in aid for them.

4. The petitioners assail the impugned order dated 02.04.2025 whereby the respondent/DoE has refused approval of recruitment of teaching and non-teaching staff in the petitioner school.

5. Mr. Romy Chacko, learned Senior Counsel for the petitioners submits that the rejection is primarily premised on following grounds - (i) the school claims itself to be a linguistic minority, however, the school has not submitted any relevant documents like Scheme of Management etc. in this regard; (ii) the advertisement published for recruitment by the school is silent about the necessary details regarding age and qualification of the candidates; (iii) the recruitment is not in consonance with Rule 96(3) of Delhi School Education Rules 1973 (hereinafter 'DSER') and no prior intimation to the DoE for ensuring the presence of his nominees as required under Rule 96(3) of DSER was given; (iv) various complaints against the petitioner school have been filed by aggrieved individuals highlighting



serious allegations including corruption and lack of transparency in the recruitment process; (v) and the broadsheet list of the short listed candidates who are called for the interview was not furnished to the DoE.

6. Mr. Chacko submits that insofar as doubt being raised with regard to the status of the petitioners' school as linguistic minority school is concerned, the respondent/DoE *vide* its letter dated 07.12.2001 had circulated a district-wise list of linguistic minority school and the name of the petitioner school finds mention at serial no.10 of the said list.

7. In respect of the objection that necessary details regarding age, qualification etc., of the candidates were not published in the advertisement, he invites attention of the Court to the relevant advertisement (Annexure P-15) to submit that the said advertisement specifically mentioned the following, "*age, qualification etc. as per the latest recruitment rules for government aided schools/ Directorate of Education, GNCT of Delhi shall be applicable.:*"

8. With regard to the ground of rejection that the Rule 96 of DSER has not been complied with, the submission of Mr. Chacko is that a coordinate Bench of this Court in judgment dated 12.11.2024 in W.P.(C) 4283/2024 titled as *Raisina Bengali School C R Park vs. Govt. of National Capital Territory of Delhi and Ors.*, has held that the minority aided schools are not bound to adopt the composition of the recruitment committees as indicated in the Rule 96 of DSER. The relevant part of the said judgment on which reliance has been placed, reads thus:

13. In paragraph No.21, the Court has held that even minority-aided schools are not bound to adopt the composition of the recruitment committees indicated in Rule 96. The schools were



directed to adhere to the Rules 127-128, which are applicable to unaided minority schools. The said paragraph reads as under:-

*“21. The state's argument that the rule mandating the inclusion of nominees whose participation is minimal, and whose views are not binding, is a harmless rule, seems attractive. Yet, this court cannot lose sight of the fact that the basic right to recruit personnel of its choice, is that of the minority aided school management. If, as in the case of Rule 47 and Rule 64(1)(a) and (e), the management cannot be dictated upon about the actual candidate, to be recruited by it, there is no rationale why it should be made to suffer the participation of an outsider, whose presence is not wanted, in the first place, no matter whether that individual's views are not binding. This view is fortified by Rule 98, (which deals with approval of appointment); it does not apply to aided schools, as is evident from Rule 98(2) proviso (2). Therefore, this Court sees no logic in the minority aided school being compelled to allow participation of nominee members in the selection committee, even if their views or votes are not binding. **For these reasons, it is held that minority aided schools are not bound to adopt the composition of the recruitment committees indicated in Rule 96; they are to adhere to the rules applicable to unaided minority schools, i.e., Rules 127-128.**”*

(emphasis supplied)

9. In regard to the objection that there are allegations of corruption and lack of transparency in the recruitment process, the submission of Mr. Chacko is premised on para 16 of the judgment in ***Raisina Bengali School*** (*supra*). He submits, that the said issue has to be examined by the DoE independently and the same has no bearing in so far as the recruitment process is concerned. The relevant Para 16 of the said decision read thus:

16. It is further observed that the respondent-Directorate cannot venture into the alleged financial irregularities of the petitioner-



School in the instant writ petition. The Court can, at best, observe that the respondent-Directorate and the respondent-Government are at liberty to take appropriate recourse against the petitioner-School with respect to any of the alleged irregularities, in accordance with law.

10. With reference to the objection that broadsheet list of short listed candidates has not been supplied to DoE, Mr. Chacko submits that the same is not a requirement of law. However, without prejudice to petitioners' rights and contentions, he submits that the petitioner school will furnish another copy of a short listed candidates to the DoE.

11. In view of the above, issue notice. Ms. Avnish Ahlawat, learned Standing Counsel for the respondent no.1/DoE accepts notice. Likewise, Mr. Vinod Kumar Sharma, learned counsel for the respondent nos. 2 to 4 accepts notice.

12. Let counter-affidavit be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

13. Till the next date, the appointments made by the petitioners will continue, however, the same shall be subject to outcome of the writ petition. The prayer as regards the stay of operation of the impugned order shall be considered on the next date, after completion of pleadings.

14. List on 27.08.2025.

VIKAS MAHAJAN, J

MAY 26, 2025/dss