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

+ **CONT.CAS(C) 1506/2025, CM APPL. 63452/2025**

DR ASHWINI KUMAR KALAPetitioner

Through: Petitioner-in-person.

versus

SCHOOL MANAGEMENT OF HIRA

LAL JAIN SENIOR SECONDARY SCHOOL & ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **27.02.2026**

1. At the outset, Ms. Renu Bajpai, learned counsel appearing for the petitioner seeks discharge from the matter. Accordingly, she is discharged from appearing in the present matter.
2. The petitioner, who is present in person, submits that he shall present his arguments himself.
3. The present petition has been filed by the petitioner alleging wilful disobedience/non-compliance of the directions contained in the order dated 12.05.2023 in W.P.(C) No. 13859/2018. The operative directions therein are as under:

“31. For all the aforesaid reasons, this Court finds merit in the contentions of the Petitioner and thus the impugned judgment passed by DST on 10.12.2018 in Appeal No. 53/2017 cannot be sustained in law and is quashed and set aside. Accordingly, order dated 28.04.2017 removing the Petitioner from the services of the School is also set aside and Petitioner is held entitled to all consequential benefits including reinstatement, save and except, back wages and other allowances for which a decision shall be taken by the managing committee of the School



under Rule 121 of the Rules 1973 within 12 weeks from today. Needless to state a reasoned and speaking order shall be passed, which shall be communicated to the Petitioner, who will be at liberty to take recourse to legal remedies in case of any surviving grievances.

32. Nothing however precludes the School to proceed against the Petitioner de novo, if so advised, by strictly following principles of natural justice and in accordance with the provisions of Delhi Education Act and Rules, 1973, including Rules 118 and 120 and Section 8(2), thereof.

33. At this stage, Ms. Latika Choudhry, appearing on behalf of DoE submits that it is the School which is responsible for taking illegal actions against the Petitioner without following the laid down procedures and therefore the back wages and/or any other pay and allowances which the managing committee of the School decides to award to the Petitioner should be paid by the School and the DoE should not be saddled with the said liability as DoE is not at fault. This Court entirely agrees with the submission and it is therefore directed that Petitioner will be entitled to receive back wages/any other pay and allowances from the School and this responsibility will not be shifted on DoE.

34. Writ petition is allowed and disposed of in the aforesaid terms.”

4. Pursuant thereto, a speaking order dated 23.08.2023 is stated to have been passed by the concerned School i.e. Hira Lal Jain Senior Secondary School, Sadar Bazar, Delhi, *inter alia*, holding as under:

“Taking into consideration the overall facts and circumstances of the case, in terms of Rule 121 of the Delhi School Education Rules, 1973, the Managing Committees has resolved to pay him back wages for 3 months for every 12 months with effect from 28.04.2017 i.e. the date when his services were terminated until the date of his reinstatement and his re-joining i.e. 17.06.2023. The said period shall be considered as his period spent on duty as per Rule 121(l)b). Pursuant to the conclusion of the enquiry and result thereto, decision with respect to the remaining back wages shall be taken.”

5. The petitioner, who appears in person, has serious reservations as regards the aforesaid order inasmuch as the same denies back-wages for a significant period. He, however, submits that even for the period referred to in the speaking order, no back-wages whatsoever have been paid to the



petitioner; instead, subsequent departmental action has been taken against the petitioner on frivolous grounds and he has been once again suspended, even though the suspension has not been approved by the Directorate of Education. It is contended by the petitioner that he has been systematically harassed and victimised by the said School.

6. Issue notice to the respondents, on necessary steps being taken by the petitioner, through all permissible modes including electronically, returnable for the next date of hearing.

7. List on 16.04.2026.

8. The Manager of the concerned School shall remain present in Court on the next date of hearing.

9. The respondents are directed to file a reply within a period of 4 weeks from today.

10. The reply to be filed by the respondent no.1 shall specifically indicate the status of compliance with the aforesaid directions in the order dated 12.05.2023 read with the speaking order dated 23.08.2023.

11. The respondent no.2 shall specifically state whether subsequent suspension of the petitioner has been approved or not.

12. The respondent no.2 shall issue necessary directions with regard to payment of subsistence allowance to the petitioner. Let the same be done within a period of 2 weeks from today.

SACHIN DATTA, J

FEBRUARY 27, 2026/at