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

+ W.P.(C) 9915/2018 & CM APPL.41485/2019 & 14074/2023

MS. MEENAKSHI SHARMA AND ORS.Petitioners

Through: Mr. Khagesh B. Jha, Ms. Shikha
Sharma Bagga & Ms. Shivani, Advs.

versus

DIRECTOR OF EDUCATION AND ORS.Respondents

Through: Mr. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Ms. Vishruti Pandey & Mr.
Sachin Garg, Advs. for R-1 & 2.
Mr. Pramod Gupta with Mr. Pramod
Gupta, Ms. Yogita, Ms. Ishita Pandey
& Ms. Anushka Soni, Advs. for R-3.
Mr. Naushad Ahmed, Adv. for DoE.

+ W.P.(C) 13158/2021 & CM APPLs.41521/2021 & 9024-9025/2022

DR. S.R.S. MISSION SCHOOLPetitioner

Through: Mr. Pramod Gupta with Mr. Pramod
Gupta, Ms. Yogita, Ms. Ishita Pandey
& Ms. Anushka Soni, Advs.

versus

DIRECTORATE OF EDUCATION AND ORS.Respondents

Through: Mr. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Ms. Vishruti Pandey & Mr.
Sachin Garg, Advs. for R-1.
Mr. Naushad Ahmed, Adv. for DoE.
Mr. Khagesh B. Jha, Ms. Shikha
Sharma Bagga & Ms. Shivani, Advs.
for R-2 to 4.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA



ORDER

14.05.2026

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1. These two writ petitions arise from the same institutional dispute, the same school, the same set of teachers, and the same order of the Directorate of Education. A separate decision in either petition would leave the other incomplete. In *W.P.(C) 13158/2021*, Dr. S.R.S. Mission School assails the order dated 25th July, 2018 passed by the Directorate of Education. In *W.P.(C) 9915/2018*, three teachers seek enforcement of that very order. The legality of the order and the enforceability of the directions contained in it are thus two sides of the same controversy. Therefore, they have been heard together and are being disposed of by this common judgment.

2. For convenience, *W.P.(C) 13158/2021* is referred to as “the school’s petition” and *W.P.(C) 9915/2018* as “the teachers’ petition”.

Factual background

3. Dr. S.R.S. Mission School, B-1, Janakpuri, New Delhi, is a recognised unaided school governed by the Delhi School Education Act, 1973 and the Delhi School Education Rules, 1973. The school is affiliated to the Central Board of Secondary Education. There is no dispute that, though unaided, the school is bound by the regulatory discipline of the Act and Rules.

4. The dispute concerns three teachers, namely Ms. Meenakshi Sharma, Ms. Sunita Tuteja and Ms. Shikha Gupta. Their cases are connected, but not identical. A brief factual snapshot may assist:

Name	Post claimed/held	Relevant engagement	School’s description
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Ms. Meenakshi Sharma	PGT (Hindi)	Appointment document dated 26 th June, 2016, period 28 th June, 2016 to 31 st May, 2017	Contractual assignment on consolidated salary
Ms. Sunita Tuteja	PRT/Assistant Teacher, also NCC-related duties claimed	Engagements shown from 2010 onward, relieved on 15 th May, 2017	Ad-hoc/contractual appointment, consolidated salary
Ms. Shikha Gupta	PRT/Assistant Teacher	Appointment document dated 25 th June, 2016, period 28 th June, 2016 to 31 st May, 2017	Contractual assignment on consolidated salary

5. The school issued an advertisement in May, 2016 for several teaching and non-teaching posts, including PGTs, TGTs, Assistant Teachers, Music Teacher, PET and Receptionist. The advertisement did not describe the posts as contractual. It invited applications and stated that salary was negotiable.

6. On 20th May, 2016, a decision was recorded by the school to constitute a Staff Selection Committee in accordance with Rule 96(3)(b) of the DSEAR. The decision refers to applications received pursuant to the advertisement and states that the final approval on appointments was to be placed before the Managing Committee in its next meeting.

7. The minutes of the Managing Committee dated 24th June, 2016 occupy a central place in the teachers' case. They record that applications had been received, interviews were held on different dates depending upon the availability of the members of the Staff Selection Committee, and new teachers were appointed. The minutes further state that some were given regular appointment and others contractual appointment so that their performance could remain under observation and, if found satisfactory, their services may be regularised after completion of the contractual period.



8. The school disputes the legal effect and authenticity of the said minutes. It contends that the document is not borne out from the school record, contains internal contradictions, and cannot be treated as proof of regular appointment. It also says that an FIR was lodged in relation to the document. This Court is not deciding the authenticity of those minutes. It is sufficient to notice that they form the core factual foundation of the teachers' plea that the contractual form did not reflect the true character of their appointment.

9. The appointment documents issued to Ms. Meenakshi Sharma and Ms. Shikha Gupta, however, use a different vocabulary. Ms. Meenakshi Sharma's document is titled "Contractual Assignment". It appoints her as PGT (Hindi) for the period 28th June, 2016 to 31st May, 2017, on consolidated remuneration of INR 22,000 per month. It states that she would not be entitled to allowances applicable to regular teachers and that the assignment could be withdrawn without assigning reasons. Ms. Shikha Gupta's appointment document is materially similar, though the post and remuneration differ.

10. The teachers did not let the matter rest there. On 4th July, 2016, they submitted a representation alleging that they had been selected through the regular process under Rule 96(3)(b), but the school had issued contractual/ad hoc appointment letters. This was followed by further representations in 2017. The early protest is a relevant circumstance. It weakens the school's plea that the teachers accepted the contractual label without demur. Equally, it does not by itself establish regular appointment. It only shows that the dispute arose at the inception and not after the contract period expired.

11. Ms. Sunita Tuteja stands on a different factual footing. The record



placed before the Court shows appointment as teacher from June, 2010, extensions, later engagements, and her claim of having discharged duties connected with NCC activities. A relieving order dated 15th May, 2017 records that she was working on temporary basis on consolidated salary of INR 17,000 per month and stood relieved with effect from 15th May, 2017. The school relies on this document to say that she accepted full and final settlement. Ms. Tuteja disputes the legal effect of such documentation and claims that her long service cannot be reduced to an ordinary fixed-term arrangement.

12. On 28th September, 2017, the Deputy Director of Education issued a show-cause notice to the school. The notice records the complaint of four teachers, namely Ms. Meenakshi Sharma, Ms. Garima Arora, Ms. Jyotsana and Ms. Shikha Gupta, alleging that while the Staff Selection Committee had been constituted for regular appointments, contractual/ad hoc appointment letters had been issued. The notice further records that the inquiry committee had substantiated the complaint. The school was called upon to show cause why action under the relevant provisions of the DSEAR should not be initiated.

13. On 4th December, 2017, the Directorate of Education passed an order. The order records that complaints had been received regarding lapses in the functioning of the school, including alleged flouting of recruitment rules, ad hoc/contractual appointments and discontinuance of teachers without reason. The order refers to the inquiry report and records, *inter alia*, that Ms. Sunita Tuteja had been working in the school since 2010 either on ad hoc or contractual basis. It further states that private unaided recognised schools cannot make ad hoc appointments against regular posts and relies upon



Poonam Malhotra v. Arya Model School.¹

14. The operative direction in the order dated 4th December, 2017 required the school to restore the services of the Petitioner-teachers and other similarly placed teaching/non-teaching employees whose services had been discontinued on the basis of contractual/ad hoc appointment, if they fulfilled the educational qualifications as per the Recruitment Rules for the posts to which they had been appointed. The school was also directed to grant them benefits under Section 10(1) of the DSEA and not to appoint teachers/employees on ad hoc/contract basis in future.

15. The teachers filed *W.P.(C) 1033/2018* seeking compliance of the order dated 4th December, 2017. During the hearing, the school informed this Court that it had already challenged the said order before DoE. Accordingly, by order dated 25th April, 2018, this Court directed DoE to consider the school's challenge to the Deputy Director's order dated 4th December, 2017 and to pass a speaking order within twelve weeks. The order expressly left the aggrieved party to avail remedies as available in law.

16. Pursuant thereto, the Director of Education passed the order dated 25th July, 2018, which is impugned in the school's petition and sought to be enforced in the teachers' petition. The order substantially maintained the earlier direction for restoration of services of the named employees, again subject to their fulfilling educational qualifications under the Recruitment Rules. It also dealt with the appointment of Ms. Jyoti Kapoor as Principal and recorded that the DPC proceedings conducted in the absence of a DoE nominee had no sanctity in law. The school was directed to remove Ms. Jyoti Kapoor from the post of Principal by following due process.

¹ In *W.P.(C) 8899/2004*, decided on 9th May, 2007.



17. On 7th August, 2018, the teachers submitted a further request to the Directorate complaining of non-compliance with the orders dated 4th December, 2017 and 25th July, 2018. In September, 2018, the teachers filed *W.P.(C) 9915/2018* seeking enforcement of the DoE order dated 25th July, 2018 and consequential regularisation/pay benefits.

18. The school, on the other hand, filed *W.P.(C) 13158/2021* challenging the order dated 25th July, 2018. The school contends that the Directorate had no jurisdiction under Section 24 of the Act to adjudicate upon service disputes, direct reinstatement or regularisation, or remove the Principal.

19. During the hearing, counsel appearing for the school submitted that, without prejudice to the school's rights and contentions and only to bring quietus to the matter, the school was willing to pay INR 5 lakhs to Ms. Sunita Tuteja and INR 1 lakh each to the other two Petitioners. The offer was not accepted. The Court has recorded this only as a circumstance arising during the hearing. It is not treated as an admission of liability.

CONTENTIONS

Contentions on behalf of the school

20. The impugned order dated 25th July, 2018 is without jurisdiction. Section 24 of the DSEA is a provision for inspection and regulatory supervision. It does not clothe the Directorate with adjudicatory power to decide an employer-employee dispute or direct reinstatement of contractual/ad hoc employees.

21. The school relies on *Shashi Gaur v. NCT of Delhi*,² to submit that disputes concerning dismissal, removal, reduction in rank and termination of employees of recognised private schools fall within the jurisdiction of the



Delhi School Tribunal under Section 8(3) read with Section 11 of the Act. If the Directorate could itself direct reinstatement under Section 24, the statutory remedy before the Tribunal would be rendered redundant.

22. The Petitioner-teachers were contractual employees. Their appointment letters speak for themselves. They were engaged for a fixed period, on consolidated remuneration, without regular allowances, and the tenure expired by efflux of time. The Court, therefore, cannot convert a fixed-term contractual engagement into a regular appointment.

23. The school further submits that the teachers cannot claim regularisation as of right. It relies upon *Secretary, State of Karnataka v. Uma Devi*,³ *Durgabai Deshmukh Memorial Senior Secondary School v. J.A.J. Vasu Sena*,⁴ and *P.K. Jain v. Directorate of Education*,⁵ to submit that there is no automatic regularisation, deemed confirmation or absorption *de hors* the statutory scheme.

24. Counsel also argues that the DoE's own order dated 4th December, 2017 was conditional. It directed restoration only if the employees fulfilled the educational qualifications under the Recruitment Rules. The Directorate, however, did not examine the age, CTET, subject qualification, applicability of the Recruitment Rules, or eligibility of the concerned teachers. It could not direct reinstatement first and leave eligibility to assumption.

25. The school relies on the applicable Recruitment Rules and CBSE notifications to contend that the teachers did not satisfy the essential eligibility norms. The appointments of these teachers are *dehors* the

² (2001) 10 SCC 445.

³ (2006) 4 SCC 1.

⁴ (2019) 17 SCC 157.

⁵ 2022 SCC OnLine Del 3702.



provisions of the Delhi School Education Act and Rules, 1973, as they suffer from either a lack of requisite essential educational qualifications, including the mandatory CTET, or are cases of gross overage.

26. Reliance placed by the Directorate and the teachers upon the Managing Committee minutes dated 24th June, 2016 is also challenged. The school argues that the document is forged, unauthenticated and contradicted by the appointment letters themselves. In any event, such a disputed document cannot form the basis for mandamus treating the teachers as regular employees.

27. On the issue of Ms. Jyoti Kapoor, it is submitted that the Directorate travelled beyond jurisdiction in directing her removal as Principal. Absence of a DoE nominee in the Selection Committee does not automatically invalidate the appointment. Reliance is placed on *Modern School v. Shashi Pal Sharma*,⁶ to submit that a DoE nominee is not possessed of a veto. The Directorate confused essential and desirable qualifications for the post of Principal.

28. The impugned order dated 25th July, 2018, is not a speaking order. This Court, by order dated 25th April, 2018, in *W.P.(C) 1033/2018* directed the Director of Education to consider the school's objections to the order dated 4th December, 2017. However, the impugned order merely reiterates the earlier view without dealing with the jurisdictional objection, eligibility, contractual appointment, statutory remedy and qualifications.

Contentions on behalf of the teachers

29. The school cannot be permitted to circumvent the statutory scheme by resorting to contractual appointment letters after undertaking a regular



recruitment process. Applications were invited through a public advertisement for teaching posts, a Staff Selection Committee was constituted under Rule 96(3)(b) by decision dated 20th May, 2016, and interviews were duly conducted. The Managing Committee minutes dated 24th June, 2016 further record that the selected candidates were appointed as teachers, with some being placed on contractual appointment only for a period of observation prior to regularisation.

30. The contractual letters did not reflect the true nature of the appointments. The teachers objected at the earliest opportunity by representation dated 4th July, 2016, followed by further representations in 2017. The school therefore cannot invoke waiver, acquiescence, or acceptance of the contractual terms against them.

31. DoE conducted an inquiry, issued a show-cause notice, and passed orders on 4th December, 2017 and 25th July, 2018. Those orders were passed in exercise of regulatory powers under the DSEA and must be enforced. The school, having violated the Rules, cannot complain against the intervention of the Directorate.

32. Section 10(1) of the DSEA mandates parity of pay and benefits for employees of recognised private schools. Once the teachers were appointed against regular vacancies, the school could not deny regular pay scales by calling them contractual.

33. The teachers also challenge the authority of Ms. Jyoti Kapoor to represent the school. They say that the DoE itself held her appointment as Principal to be without sanctity in law. Reliance is place on the internal management dispute to submit that the writ filed in the name of the school

⁶ (2007) 8 SCC 540.



is, in substance, an attempt by Ms. Kapoor to protect her own position.

34. Ms. Sunita Tuteja's case is pressed separately. She served the school for nearly seven years, starting from 2010, and performed duties beyond an ordinary short-term engagement, including NCC-related work. Her case, therefore, cannot be treated as one of a teacher who worked for only one academic session.

Contentions on behalf of the Directorate of Education

35. The Directorate supports the regulatory basis of the orders. It submits that the school is a recognised unaided school and is bound by the Act and Rules. Complaints were received regarding irregular appointments and discontinuance of teachers. An inquiry was conducted. The school was found to be engaging teachers on ad hoc/contract basis against regular posts and discontinuing them at the end of the academic session. The Directorate contends that Section 24 empowers it to issue corrective directions when defects or deficiencies in the working of a recognised school are noticed.

36. Moreover, the direction for restoration was not unconditional. It was expressly made subject to fulfilment of the educational qualifications under the Recruitment Rules. The school was not being required to appoint unqualified persons. It was required to undo an illegal practice and submit compliance.

ISSUES

37. On the pleadings and submissions, the following issues arise:

(i) Whether the order dated 25th July, 2018 could have been passed by the Directorate of Education under Section 24 of the DSEA to the extent it directs restoration/reinstatement, regularisation or pay benefits to the teachers.



- (ii) Whether the teachers, in *W.P.(C) 9915/2018*, are entitled to a writ of mandamus enforcing the order dated 25th July, 2018 and directing the school to treat them as regular employees.
- (iii) Whether the Directorate could, in the same order, direct removal of Ms. Jyoti Kapoor from the post of Principal.
- (iv) Whether the internal management dispute or objection to Ms. Jyoti Kapoor's authority should prevent this Court from examining the legality of the DoE order.
- (v) What relief should follow, particularly in view of the availability of remedy before the Delhi School Tribunal or any other competent forum.

ANALYSIS AND FINDINGS

Scope of Section 24 and the statutory forum

38. The first question is one of jurisdiction. Section 24 of the DSEA enables inspection of schools and empowers the Director to issue directions for removal of defects or deficiencies noticed in the working of a school. The power is supervisory and regulatory in nature, intended to secure compliance with the Act, the Rules, and the conditions of recognition. Though broad and significant, it is not a general power to adjudicate every private service dispute between a school and its employees.

39. The statutory scheme draws a distinction between regulatory control over schools and adjudication of individual service rights. While Section 24 empowers the Directorate to ensure compliance with the Act and the Rules, disputes concerning termination or cessation of service are separately dealt with under Sections 8(3) and 11 through the Delhi School Tribunal. In *Shashi Gaur*, the Supreme Court held that Section 8(3) must receive a broad construction and extends not only to formal orders of dismissal, removal or



reduction in rank, but also to other forms of termination. The legislative design is, therefore, plain: service disputes carrying civil consequences for employees and schools are to be adjudicated by the Tribunal, unless exceptional circumstances warrant direct interference under Article 226.

40. The impugned order dated 25th July, 2018 does not merely identify a regulatory lapse. It directs restoration of named employees, grants them prescribed benefits under Section 10(1), calls for a compliance report and, in substance, decides that the discontinuance of their services was illegal. These are adjudicatory consequences. They affect the civil rights of both sides. Such a direction required determination of individual facts: the nature of the vacancy, the terms of appointment, the validity of the selection process, the authority of the Managing Committee, fulfilment of Recruitment Rules, age, CTET wherever applicable, continuity of service, breaks, and the legal effect of relieving/full and final documents.

41. Section 24 cannot be invoked to bypass that adjudicatory framework. The Directorate was competent to inspect the school, call for records, examine compliance with Rules 96 and 100, and take such regulatory action as is permissible under the Act and the Rules. It could not, however, assume the role of the Tribunal and direct reinstatement or regularisation of individual employees in exercise of its inspection powers.

42. This conclusion, however, does not approve the school's conduct. The record discloses features that legitimately warranted concern. The school advertised posts, constituted a Staff Selection Committee under Rule 96(3)(b), conducted interviews, and thereafter issued contractual appointment letters. The teachers protested almost immediately. The Directorate was therefore justified in examining the matter. But the



existence of a plausible grievance cannot alter the statutory forum for its adjudication.

43. The order dated 25th July, 2018 is therefore unsustainable to the extent it directs restoration/reinstatement of the named teachers, regular treatment, pay benefits, or compliance as though their service status already stood adjudicated.

Can the teachers be treated as regular employees in this writ?

44. The teachers' second prayer in W.P.(C) 9915/2018 seeks a direction to treat them as regular teachers and to release salaries in the applicable pay scales. That relief cannot be granted in these proceedings.

45. On the face of the appointment documents, the engagements of Ms. Meenakshi Sharma and Ms. Shikha Gupta were contractual, time-bound and on consolidated remuneration. The letters expressly exclude regular allowances and reserve withdrawal. A writ court cannot ignore these documents and straightaway declare the appointees regular employees.

46. The teachers' answer is that the contractual label was a device. They rely upon the advertisement, the constitution of the Staff Selection Committee under Rule 96(3)(b), the minutes dated 24th June, 2016 and their early representation dated 4th July, 2016. This plea may furnish them a cause for adjudication. It does not furnish an immediate declaration of status of regular employee.

47. There is a difference between saying that a dispute requires adjudication and saying that the dispute has already been decided in favour of the employee. The teachers ask this Court to take the second step without the first. That cannot be done.

48. The school has also raised issues of age, CTET and educational



qualifications. The Assistant Teacher (Primary) Recruitment Rules placed on record prescribe an age limit and CTET requirement. That aspect may bear upon the claims of Ms. Shikha Gupta and Ms. Sunita Tuteja. As regards Ms. Meenakshi Sharma, the PGT Recruitment Rules placed before the Court include later rules, and their precise applicability to a 2016 appointment would itself require examination. This only reinforces the point that the present proceeding is not the proper remedy for a final declaration of status.

49. In *Ramakrishna Public School v. Directorate of Education*,⁷ this Court set aside a DoE order where the authority had dealt with procedural lapses but failed to engage with the root issue of eligibility arising from an allegedly invalid degree. In *Meenu Shokeen v. Salwan Boys Senior Secondary School*,⁸ this Court declined to issue a mandamus which would have required the employer to treat a disputed qualification as valid. What emerges from these decisions is that where eligibility itself is disputed or uncertain, service benefits or consequential relief cannot be granted without first resolving that foundational issue.

50. The DoE's own orders recognised this. The direction for restoration was qualified by the words "if they fulfil the educational qualifications as per the Recruitment Rules". The Directorate did not decide that question. Nor can this Court decide it in the first instance on this record.

51. It follows that the teachers are not entitled to a mandamus treating them as regular employees or directing release of regular pay scales in this writ petition. Their plea that the contractual form was a device is left open for adjudication before the competent forum.

⁷ In *W.P.(C) 4001/2019*, decided on 12th January, 2026.

⁸ In *W.P.(C) 5909/2026*, decided on 30th April, 2026.



Ms. Sunita Tuteja's separate position

52. Ms. Sunita Tuteja's case stands apart. She cannot be placed in the same factual category as Ms. Meenakshi Sharma and Ms. Shikha Gupta. The latter two are principally 2016 appointees whose contractual assignments were for one academic session. Ms. Tuteja's record begins much earlier. The material refers to engagements from 2010 onward, extensions, NCC-related duties and service continuing, with breaks, until 2017.

53. This Court is not expressing any concluded view on whether such engagements confer any right to reinstatement, regularisation, continuity, back wages or monetary relief. Those questions would require examination of the nature of the vacancy, the terms of appointment, intervening breaks, statutory qualifications, age criteria, the effect of the relieving order, the alleged full and final settlement, and the rival pleas of the parties.

54. It is sufficient to clarify that, if Ms. Tuteja approaches the competent forum, her case shall be considered on its own facts and shall not be rejected merely by treating her at par with employees who served for one academic session. The school shall remain free to contest continuity, eligibility, age, qualifications, contractual terms and all other defences available in law.

Ms. Meenakshi Sharma and Ms. Shikha Gupta

55. The cases of Ms. Meenakshi Sharma and Ms. Shikha Gupta present a different complexion. Their appointment documents describe the engagement as contractual, time-bound and on consolidated remuneration. On the strength of such documents, this Court cannot issue a mandamus treating them as regular teachers or directing release of regular pay scales.

56. At the same time, their grievance cannot be brushed aside merely by reference to the label used in the appointment letters. They rely upon the



advertisement, the constitution of a Staff Selection Committee under Rule 96(3)(b), the minutes of the Managing Committee dated 24th June, 2016, and their prompt representation dated 4th July, 2016 to contend that the contractual form did not reflect the true character of the appointment. These are matters requiring adjudication on evidence and in the statutory setting. They are left open for consideration by the competent forum, without this Court expressing any view on the merits.

Direction regarding Ms. Jyoti Kapoor

57. The order dated 25th July, 2018 also directs removal of Ms. Jyoti Kapoor from the post of Principal. That direction cannot be sustained in its present form.

58. The Directorate may certainly examine whether the appointment of a Principal in a recognised school complies with the Act, Rules, applicable Recruitment Rules, the prescribed composition of the Selection Committee and the requirements of approval or nomination where the law so requires. It may call for records and take action permissible in law. But the impugned order does more. It directs removal as a consequence of the Directorate's view that the selection proceedings had no sanctity.

59. The question whether Ms. Kapoor was qualified, whether the applicable Recruitment Rules were correctly read, whether desirable qualifications were wrongly treated as essential, whether absence of the DoE nominee invalidated the proceedings, and what consequence followed from any procedural lapse are all matters requiring proper consideration after notice and in accordance with law. The school has relied upon ***Modern School v. Shashi Pal Sharma***, to say that a DoE nominee is not a veto-bearing authority. The teachers dispute Ms. Kapoor's authority altogether.



These issues cannot be compressed into a direction under Section 24 requiring removal.

60. The direction to remove Ms. Jyoti Kapoor from the post of Principal is therefore set aside. This will not prevent the Directorate from examining the legality of her appointment, or any later appointment/continuation, in accordance with law and after affording opportunity to the affected parties.

Management dispute and locus

61. The teachers have urged that the school's petition is not maintainable because it has been instituted at the instance of Ms. Jyoti Kapoor, whose authority is itself under challenge. There is also material showing rival claims over the management of the school.

62. This Court does not consider it necessary to decide the internal management dispute in these writ petitions. The impugned order has civil consequences for the institution, its employees and its administration. The writ petition has been filed in the name of the school. The school has appeared and challenged the jurisdiction of the Directorate. Where the legality of a public order affecting the school is itself under examination, the Court would not decline scrutiny merely because rival management factions also exist. Those disputes shall be decided by the competent civil or statutory forum. No finding in this judgment shall be treated as recognising either faction as the lawful management.

Settlement offer

63. During hearing, the school offered, without prejudice, INR 5 lakhs to Ms. Sunita Tuteja and INR 1 lakh each to Ms. Meenakshi Sharma and Ms. Shikha Gupta to bring the dispute to an end. The offer was declined.

64. A proposal made to bring peace cannot be converted into an



adjudicated liability after its rejection. Since this Court is not deciding the teachers' service status on merits, it would be inappropriate to direct payment of the proposed sums as compensation. It remains open to the parties to resolve the dispute on such terms as may be mutually acceptable. The making or rejection of the offer shall not prejudice either side before the competent forum.

Relief

65. *W.P.(C) 13158/2021* is partly allowed. The order dated 25th July, 2018 passed by the Directorate of Education is set aside to the extent it directs restoration/reinstatement of the concerned teachers, grants or requires grant of regular status/pay benefits to them, or directs removal of Ms. Jyoti Kapoor from the post of Principal.

66. The factual observations made by the Directorate regarding the functioning of the school, alleged irregular appointments, management issues or other regulatory concerns are not affirmed by this Court as findings on merits. They are also not erased as if the Directorate was powerless to examine them. The Directorate shall be at liberty to proceed in accordance with law under the Act and Rules in respect thereof.

67. *W.P.(C) 9915/2018* is disposed of. The prayer for enforcement of the order dated 25th July, 2018 and for treating the Petitioners as regular teachers is declined.

68. The Petitioners in *W.P.(C) 9915/2018* shall be at liberty to approach the Delhi School Tribunal or such other competent forum as may be available in law for redressal of their individual service grievances. If such proceedings are instituted within eight weeks from today, the forum concerned shall consider their plea regarding limitation bearing in mind that



the Petitioners have been pursuing remedies before the Directorate and this Court since 2017/2018. No claim shall be rejected on limitation without considering their plea for exclusion or condonation of the period spent in *bona fide* pursuit of these proceedings, to the extent permissible in law.

69. All contentions of the teachers, including the plea that the contractual form was a device to defeat the statutory regime, are kept open. All defences of the school, including contractual appointment, expiry by efflux of time, absence of regular vacancy, non-fulfilment of Recruitment Rules, age, CTET wherever applicable, lack of qualification, disputed authenticity of documents, full and final settlement, limitation and maintainability, are also kept open.

70. If Ms. Sunita Tuteja approaches the competent forum, her case shall be considered separately on its own facts, having regard to the longer service history asserted by her. This observation shall not be read as acceptance of her claim, nor as rejection of the school's defences.

71. The school shall not treat this judgment as approval of engaging teachers on ad hoc or contractual basis against regular vacancies contrary to the DSEA, the DSEAR or applicable Recruitment Rules. Any future recruitment shall be made strictly in accordance with law.

72. The writ petitions are disposed of in the above terms. Pending applications also stand disposed of.

SANJEEV NARULA, J

MAY 14, 2026/nk