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

+ W.P.(C) 9150/2017, CM APPL. 37441/2017

GURU HARKISHAN PUBLIC SCHOOL

.....Petitioner

Through: Mr. Abinash K. Mishra and Mr.  
Gaurav Kr. Pandey, Advocates.

versus

GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Randhir Kumar, Advocate for R-  
2.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

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**11.05.2026**

1. The present petition is directed against order/communication dated 22<sup>nd</sup> September, 2017 issued by the Directorate of Education,<sup>1</sup> whereby the suspension order dated 2<sup>nd</sup> December, 2016, and the order dated 14<sup>th</sup> September, 2017 extending the suspension, passed by the Petitioner school, have been set aside.

2. The impugned communication observes that the suspension orders are contrary to the provisions of the Delhi School Education Act and Rules, 1973,<sup>2</sup> as well as the decision of the Supreme Court in *Frank Anthony Public School Employees' Assn. v. Union of India*.<sup>3</sup> Accordingly, by virtue of the impugned communication, the suspension of Respondent No. 2 was declared void.

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<sup>1</sup> "DoE"

<sup>2</sup> "DSEAR"



3. It is the case of the Petitioner that the impugned order, though largely silent, appears to have been passed on account of absence of prior approval of the Director of Education before issuance of the suspension order. The Petitioner's challenge was premised on the contention that such prior approval was not required since the Petitioner school is a minority institution. In support thereof, reliance was placed on the judgments of this Court in *Malvinder Kaur v. School Management of GHPS Hemkunt Colony & Ors*<sup>4</sup> and *Delhi Public School & Anr. v Shalu Mahendroo & Ors*.<sup>5</sup>

4. However, the legal position in this regard now stands settled by the decision of the Division Bench of this Court in LPA 651/2013 titled *Tejinder Kaur v. School Management of Guru Harkishan Public School through Principal & Manager & Ors.*, which incidentally pertained to a branch of the same school. The Division Bench, while placing reliance on the judgment of the Supreme Court in *Frank Anthony Public School Employees' Assn.*, observed that Section 12 of the Delhi School Education Act does not render Section 8(4) of the Act inapplicable to unaided minority schools. Consequently, it was held that suspension from service without prior approval of the DoE would be null and void being in breach of Section 8(4) of the Act.

5. In view of the aforesaid decision of the Division Bench, the challenge laid by the Petitioner to the impugned communication cannot succeed. In the instant case as well, the suspension order had been issued without prior approval of the DoE. Therefore, the impugned communication dated 22<sup>nd</sup>

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<sup>3</sup> (1986) 4 SCC 707

<sup>4</sup> W.P. (C) No. 1632/2012



September, 2017, founded upon the judgment of the Supreme Court in *Frank Anthony Public School Employees' Assn.*, is in consonance with the settled legal position and calls for no interference.

6. It must also be noticed that subsequent to the passing of the impugned order, disciplinary proceedings initiated against Respondent No. 2 culminated in imposition of a major penalty, which was thereafter assailed by Respondent No. 2 before the Delhi School Education Tribunal. The said proceedings, however, came to be dismissed on 15<sup>th</sup> April, 2025.

7. Counsel for Respondent No. 2 submits that the said dismissal was on account of non-appearance and that steps are being taken for revival of the proceedings. Be that as it may, the present petition is confined only to the validity of the suspension order and the impugned communication dated 22<sup>nd</sup> September, 2017. Needless to state, Respondent No. 2 shall be at liberty to avail remedies against the order imposing penalty, in accordance with law, if so advised.

8. With the above directions, the petition is disposed of.

**SANJEEV NARULA, J**

**MAY 11, 2026**

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<sup>5</sup> (2013) 196 DLT 147