

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 21412/2025

Ms Deepika D/o Ramdev Isaniya, Aged About 30 Years, Resident
Of 79, Magra Punjla, Shivsagar, District Jodhpur (Raj.).

-----Petitioner

Versus

1. Union Of India, Through Secretary, Ministry Of Defense,
South Block, New Delhi.
2. Indian Air Force Educational And Cultural Society,
Through Its Chairman, Board Of Governor, Air
Headquarter, New Delhi.
3. Executive Director, Air Force School, Jodhpur, Air Force
Area, Jodhpur.
4. Principal, Air Force School, Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Param Veer Singh Champawat
For Respondent(s)	:	Mr. Manish Bohra

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

07/05/2026

1. At the outset learned counsel for the respondents submits that the present writ petition filed by the petitioner against Air Force School, Jodhpur is not maintainable before this Court as the said institution has not been considered to be a 'State' or 'Authority' within the ambit of Article 12 of the Constitution of India by Hon'ble Apex Court in the case of '**Dileep Kumar Pandey Vs. Union of India & Ors.**'(Civil Appeal No.10899/2013) decided on 21.05.2025.

2. The para No.21 onwards of the judgment passed by Hon'ble Apex Court in the case of **Dilip Kumar Pandey(supra)** is reproduced below for ready reference:-

21. We have perused the application made to CBSE for affiliation. The application was made on 22 August 1985. It was in the name of the Air Force Primary School. Although it is stated that the school was fully financed by the IAF, there is no evidence to show that the school was actually financed by the IAF. The Education Code, which applies to Air Force Schools, is not a statutory code that has the force of law. It is issued under the authority of the Chairman of the Board of Governors of the IAF Educational and Cultural Society. It provides that all Air Force Schools are administered under the Society. As per the Memorandum of Association of the Society, the members of the Society are IAF officers who hold their posts ex-officio. The Command Schools Managing Committees do not have control over the day-to-day running of Air Force Schools. The day-to-day control is with the School Managing Committee. Even if the school building is constructed out of Public funds, there is no record to show that it receives a grant from Public Funds. There is nothing in the Education Code to show that the IAF has control over the said school. The audited accounts of the school for the period from 2019-20 to 2023-24 indicate that no public funds or grants were received by the school. Even if pay scales applicable to all IAF schools are determined by the IAF, that by itself will not amount to pervasive control by the IAF over the functioning of the schools.

22. It is not shown how the IAF headquarters has any control over the management of the said school. Although some funds may have originated from the Army Welfare Society, it cannot be said that the State or the IAF has any control, let alone all-pervasive control, over the school. Moreover, the said Society is not governed by any statutory rules.

23. In the impugned judgment, the Division Bench recorded the undisputed position that the appellants are employees of the said school, which is not governed by any statutory regulations. The Education Code, which applies to the said school, does not have any statutory sanction or force. A finding of fact was recorded that there is no material to show that the Government or the IAF has any control over the management of the school. It is not possible for us to take a contrary view.

24. In the circumstances, we are unable to find any fault with the view taken by the Division Bench of the High Court. The relationship between the appellants and the said school is in the realm of private contract. Assuming that there was a breach of private contract, the same does not involve any public law element.

25. Therefore, there is no merit in the appeals, and the same are dismissed. We, however, make it clear that other remedies, if any, of the appellants are kept open.

3. Learned counsel for the petitioner though submitted that the Indian Air Force exercises deep and pervasive control over the management and day to day affairs of the Air Force School and therefore, the writ petition against Air Force School is

maintainable before this Court, however, he was not in a position to refute the fact that Hon'ble Apex Court in the case of ***Dileep Kumar Pandey(supra)*** has held that the writ petition challenging the actions taken by the management of Air Force Schools is not maintainable.

4. In that view of the aforesaid submission and keeping in view the judgment passed by the Hon'ble Apex Court, the present writ petition is dismissed. However, the petitioner shall be at liberty to avail any other remedy available to her in accordance with law. The interim order dated 03.11.2025 passed by this Court shall remain in currency up to 15.05.2026 only.

(KULDEEP MATHUR),J