



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Special Appeal Writ No. 790/2025
CNR: RJHC020555392025 | URN: SAW / 1676U / 2025

Managing Committee D.a.v. Uchh Madhyamik Vidhyalaya,
Kesarganj, Ajmer Raj. Through Regional Director, D.a.v. College
Managing Committee, Paharganj, New Delhi, Regional Office,
D.a.v. Shatabdi Uchh Madhyamik Vidhyalaya, Jaipur Raj.
Presently Through Teacher Incharge, Dav Sr. Secondary School
Kesharganj, Ajmer.

----Appellant

Versus

1. Niranjan Bagri S/o Sh. Amar Chand Bagri, Aged About 34
Years, R/o 703/43, Behind Meao College, Gahalot Ki
Dugri, Ajmer Raj.
2. Director/commissioner, Secondary Education, Rajasthan,
Bikaner Rajasthan.

----Respondents

Connected With

1. D.B. Special Appeal Writ No. 789/2025
(CNR: RJHC020555322025 | URN: SAW / 1675U / 2025)
2. D.B. Special Appeal Writ No. 792/2025
(CNR: RJHC020555432025 | URN: SAW / 1678U / 2025)
3. D.B. Special Appeal Writ No. 793/2025
(CNR: RJHC020555362025 | URN: SAW / 1679U / 2025)
4. D.B. Special Appeal Writ No. 829/2025
(CNR: RJHC020556132025 | URN: SAW / 1741U / 2025)
5. D.B. Special Appeal Writ No. 830/2025
(CNR: RJHC020553902025 | URN: SAW / 1743U / 2025)
6. D.B. Special Appeal Writ No. 833/2025
(CNR: RJHC020555232025 | URN: SAW / 1751U / 2025)
7. D.B. Special Appeal Writ No. 849/2025
(CNR: RJHC020570172025 | URN: SAW / 1783U / 2025)
8. D.B. Special Appeal Writ No. 868/2025
(CNR: RJHC020570242025 | URN: SAW / 1817U / 2025)
9. D.B. Special Appeal Writ No. 874/2025

(CNR: RJHC020569322025 | URN: SAW / 1831U / 2025)

10. D.B. Special Appeal Writ No. 875/2025

(CNR: RJHC020584352025 | URN: SAW / 1836U / 2025)

11. D.B. Special Appeal Writ No. 876/2025

(CNR: RJHC020568372025 | URN: SAW / 1837U / 2025)

12. D.B. Special Appeal Writ No. 884/2025

(CNR: RJHC020556282025 | URN: SAW / 1859U / 2025)

13. D.B. Special Appeal Writ No. 888/2025

(CNR: RJHC020555772025 | URN: SAW / 1876U / 2025)

14. D.B. Special Appeal Writ No. 889/2025

(CNR: RJHC020553942025 | URN: SAW / 1877U / 2025)

15. D.B. Special Appeal Writ No. 897/2025

(CNR: RJHC020569182025 | URN: SAW / 1903U / 2025)

16. D.B. Special Appeal Writ No. 899/2025

(CNR: RJHC020585542025 | URN: SAW / 1905U / 2025)

17. D.B. Special Appeal Writ No. 905/2025

(CNR: RJHC020584372025 | URN: SAW / 1921U / 2025)

18. D.B. Special Appeal Writ No. 906/2025

(CNR: RJHC020555552025 | URN: SAW / 1925U / 2025)

19. D.B. Special Appeal Writ No. 908/2025

(CNR: RJHC020569522025 | URN: SAW / 1929U / 2025)

20. D.B. Special Appeal Writ No. 909/2025

(CNR: RJHC020554212025 | URN: SAW / 1930U / 2025)

21. D.B. Special Appeal Writ No. 910/2025

(CNR: RJHC020570002025 | URN: SAW / 1931U / 2025)

22. D.B. Special Appeal Writ No. 916/2025

(CNR: RJHC020570102025 | URN: SAW / 1942U / 2025)

23. D.B. Special Appeal Writ No. 959/2025

(CNR: RJHC020609392025 | URN: SAW / 2026U / 2025)

24. D.B. Special Appeal Writ No. 965/2025

(CNR: RJHC020569462025 | URN: SAW / 2035U / 2025)

25. D.B. Special Appeal Writ No. 980/2025

(CNR: RJHC020556772025 | URN: SAW / 2053U / 2025)

26. D.B. Special Appeal Writ No. 991/2025

(CNR: RJHC020599512025 | URN: SAW / 2073U / 2025)

27. D.B. Special Appeal Writ No. 992/2025

(CNR: RJHC020609302025 | URN: SAW / 2075U / 2025)

28. D.B. Special Appeal Writ No. 993/2025

(CNR: RJHC020554102025 | URN: SAW / 2077U / 2025)

29. D.B. Special Appeal Writ No. 996/2025

(CNR: RJHC020585012025 | URN: SAW / 2084U / 2025)

30. D.B. Special Appeal Writ No. 1006/2025

(CNR: RJHC020609342025 | URN: SAW / 2108U / 2025)

31. D.B. Special Appeal Writ No. 1021/2025

(CNR: RJHC020599392025 | URN: SAW / 2133U / 2025)

32. D.B. Special Appeal Writ No. 1022/2025

(CNR: RJHC020568502025 | URN: SAW / 2134U / 2025)

33. D.B. Special Appeal Writ No. 1023/2025

(CNR: RJHC020609262025 | URN: SAW / 2135U / 2025)

34. D.B. Special Appeal Writ No. 1063/2025

(CNR: RJHC020555302025 | URN: SAW / 2261U / 2025)

35. D.B. Special Appeal Writ No. 1133/2025

(CNR: RJHC020600092025 | URN: SAW / 2435U / 2025)

36. D.B. Special Appeal Writ No. 1134/2025

(CNR: RJHC020599702025 | URN: SAW / 2436U / 2025)

For Appellant(s)	:	Ms. Naina Saraf
For Respondent(s)	:	Ms. Pooja Sharma for Mr. Manoj Sharma, AAG

HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE ASHUTOSH KUMAR
Order(Oral)

19/08/2026

Per: Arun Monga, J.

1. This batch of special appeals is directed against the common order dated 08.04.2025 passed by the learned Single Judge in S.B. Civil Writ Petition No. 16980/2017 and connected writ petitions. Those writ petitions had been filed by the management, that is, the employers. They assailed the judgment dated 14.09.2016 rendered by the Rajasthan Non-Government Educational Institutions Tribunal, Jaipur. By

that judgment, the Tribunal had allowed the appeals preferred by the respondent employees under Section 19 of the Act of 1989, set aside the orders of termination and directed reinstatement with consequential benefits. The learned Single Judge dismissed the writ petitions. The appellants accordingly pray that the special appeals be allowed and that the impugned order dated 08.04.2025 be quashed and set aside.

2. For the sake of brevity, the facts are taken from D.B. Special Appeal Writ No. 790/2025, Managing Committee v. Niranjana Bagri.

2.1 The respondent was relieved from service on completion of his stipulated tenure, by order dated 06.05.2015. Aggrieved, he preferred an appeal under Section 19 of the Rajasthan Non-Government Educational Institutions Act, 1989 before the Rajasthan Non-Government Educational Institutions Tribunal. His case was that the order of relieving was, in substance, an order of termination. It was said to have been passed in breach of Section 18 of the Act of 1989 and Rule 39 of the Rules of 1993. He further claimed that he had been selected through a regular selection process and appointed against a vacant post. No appointment order was, however, placed on record.

2.2 The Tribunal, by its order dated 14.09.2016, allowed the appeal. The appellant then preferred a writ petition. The appellant pleaded that the schools run by it stood closed. It was further pleaded that the staff concerned had thereafter been regularly selected and had been working against sanctioned posts for a considerable period.

2.3 The respondents were duly served but filed no reply to the writ petition. Their learned counsel stated before the Writ Court that he had no instructions. The learned Single Judge nonetheless proceeded to decide the writ petition on merits, and dismissed it by the impugned order dated 08.04.2025.

2.4 Hence, these special appeals.

3. Learned counsel for the appellant submits that the respondent was appointed for a fixed term and had no right to continue beyond the stipulated tenure. Learned counsel contends that the respondent failed to establish that his appointment was made in accordance with the procedure prescribed under Section 17 of the Act of 1989. It is pointed out that the learned Single Judge himself recorded a finding that the prescribed selection process had not been followed. It is further submitted that Section 18 of the Act of 1989 and Rule 39 of the Rules of 1993 deal with removal, dismissal or reduction in rank. On that premise, those provisions can have no application to a person who is relieved on completion of a fixed tenure.

3.1 Learned counsel further contends that the learned Single Judge did not consider the specific case of the appellant that several institutions had been closed. The closure is stated to have been occasioned by financial constraints and a substantial decline in student strength, and to have been effected with the approval of the Education Department. It is submitted that the regular staff was thereafter accommodated, and that no contractual employee has been in service since 2016. It is also submitted that the documents placed on record regarding the financial condition of the institutions and the closure of the schools were not duly considered.

3.2 Lastly, learned counsel submits that a contractual employee has no right to continue against a post. It is contended that such an employee cannot claim salary for a period during which no work was rendered, having regard to the principle of no work, no pay. It is also submitted that the respondent, after being relieved, has been working in a private school and continues to do so. On these submissions, it is prayed that the impugned order be set aside.

4. None appears for any of the private respondents as was the case on the previous hearing also.

5. In this backdrop, we have heard the learned counsel for appellant and perused the material on record. Before we proceed further, it is apposite to notice the relevant portion of the impugned order dated 08.04.2025, which is reproduced hereinbelow for ready reference:-

“Conclusion & Directions:

31. Applying the above propositions of law, as laid down in the above noted judgments, it can safely be concluded that in the case of termination of service of both the regular and temporary employee of a recognised educational institution, the provisions contained under Section 18(iii) is required to be followed. Their services cannot be terminated without giving six months' notice or at least six months' salary.

32. The whole purpose behind enactment of the Act of 1989 and Rules of 1993 and the provisions made therein i.e. Section 18 and Rule 39 is to check arbitrary action on the part of the unscrupulous management of the educational institutions. The Act of 1989 and the Rules of 1993 made thereunder are social legislation enacted to ameliorate and improve educational system. Intention of the Act and the Rules formed thereunder, is to check the various malpractices and mischiefs committed by the mighty management to exploit its employees whether appointed on regular or temporary basis. The language contained under Section 18 and Rule 39 is clear and specific and it requires no other interpretation. These provisions are available to all employees, whether he/she is appointed on regular or temporary basis.

33. Hence, it is clear that appeal under Section 19 of the Act of 1989 is maintainable in similar matters of termination from service, of temporary employees. The judgment relied upon by the petitioner are not applicable in the facts and circumstances of the present case.

34. In the instant matters, the respondent-employees were neither given six months notice nor salary in lieu thereof and without following the mandate contained under Section 18(iii) of the Act of 1989, the services were terminated. The service of the respondents were terminated by the petitioner in an arbitrary manner. The same was found to be illegal by the Tribunal by passing a reasoned and speaking order which requires no interference of this Court.

35. In view of the observations made hereinabove, this Court finds no merit and substance in these writ petitions, accordingly, the same are liable to be and are hereby rejected.

36. All pending application(s), if any, also stand dismissed.

37. No order as to cost.

38. Before parting with this order, it is made clear that the petitioner would be at liberty to proceed against the respondent after following the due process of law as contained under the Act of 1989 and Rules of 1993.”

6. Pertinently, apropos, above directions issued by learned Single Judge, learned Counsel for the appellant points out that none of the private respondents pursued the *lis* after the above order was passed or even after Tribunal passed its order dated 14.09.2016. In fact, Tribunal order was carried in writ by the appellant alone. Learned counsel also points out that the counsel who had initially appeared for the private respondents subsequently pleaded no instructions even before the Writ Court.

7. A similar position continues even before us. Despite service, none of the private respondents has chosen to appear and defend the impugned judgment of the learned Single Judge. Learned counsel further submits that the private respondents have, till date, neither filed any contempt petition nor initiated any execution proceedings. No step has thus been taken to enforce the relief granted by the Tribunal and elaborated upon by the learned Single Judge in the impugned judgment. It is submitted that each of the private respondents was appointed for a short duration of one year in the school concerned. On the expiry of that period, and in the absence of renewal, they ceased to be employees.

8. On the material available, it appears to us that the private respondents have acquiesced in the cessation of their employment on the expiry of the limited period for which their services were engaged.

9. Having realised that no renewal of service was forthcoming, the private respondents appear to have moved on. In all likelihood, they have taken up alternative employment.

10. Be that as it may, the private respondents have neither controverted the grounds of appeal nor shown any interest in continuing in employment. Nor have they shown any interest in enforcing the statutory compliance directed by the learned Single Judge. In these circumstances, we are left with no option but to accept the appeals.

11. The questions raised before, and considered by, the learned Single Judge in the impugned judgment are left open for adjudication in an appropriate case, should the occasion so arise.

12. Accordingly, the appellant and Proforma Respondent No. 2, in their capacity as statutory functionaries, are exempted from compliance with the directions issued by the learned Single Judge.

13. The special appeals are allowed in the above terms. All pending applications, if any, stand disposed of. There shall be no order as to costs.

(ASHUTOSH KUMAR),J

(ARUN MONGA),J

100-136/TUSHAR/AARZOO