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

Judgment reserved on: 17.08.2026

% **Judgment delivered on: 24.08.2026**

CNR No. DLHC010014642026

\+ LPA 29/2026, CM APPL. 3904/2026, CM APPL. 3905/2026, CM APPL. 3906/2026, CM APPL. 6420/2026, CM APPL. 7570/2026, CM APPL. 9096/2026, CM APPL. 9097/2026, CM APPL. 9098/2026 & CM APPL. 14575/2026

PUNJABI ACADEMY AND ANR .....Appellants

versus

AVTAR SINGH AND ANR .....Respondents

\# **CNR No. DLHC010135572026**

\+ LPA 195/2026, CM APPL. 21386/2026, CM APPL. 21387/2026, CM APPL. 21388/2026 & CM APPL. 21389/2026

\# **CNR No. DLHC010135582026**

\+ LPA 196/2026, CM APPL. 21395/2026, CM APPL. 21396/2026, CM APPL. 21397/2026 & CM APPL. 21398/2026

\# **CNR No. DLHC010136552026**

\+ LPA 200/2026, CM APPL. 21566/2026, CM APPL. 21567/2026, CM APPL. 21568/2026 & CM APPL. 21569/2026

\# **CNR No. DLHC010136932026**

\+ LPA 201/2026, CM APPL. 21578/2026, CM APPL. 21579/2026, CM APPL. 21580/2026 & CM APPL. 21581/2026

\# **CNR No. DLHC010136202026**

\+ LPA 202/2026, CM APPL. 21582/2026, CM APPL. 21583/2026, CM APPL. 21584/2026 & CM APPL. 21585/2026

\# **CNR No. DLHC010136212026**

\+ LPA 203/2026, CM APPL. 21586/2026, CM APPL. 21587/2026, CM APPL. 21588/2026 & CM APPL. 21589/2026

\# **CNR No. DLHC010136232026**

\+ LPA 204/2026, CM APPL. 21591/2026, CM APPL. 21592/2026, CM APPL. 21593/2026 & CM APPL. 21594/2026

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CNR No. DLHC010136242026
\+ LPA 205/2026, CM APPL. 21596/2026, CM APPL. 21597/2026, CM APPL. 21598/2026 & CM APPL. 21599/2026

CNR No. DLHC010136252026
\+ LPA 206/2026, CM APPL. 21602/2026, CM APPL. 21603/2026, CM APPL. 21604/2026 & CM APPL. 21605/2026

CNR No. DLHC010136292026
\+ LPA 207/2026, CM APPL. 21608/2026, CM APPL. 21609/2026, CM APPL. 21610/2026 & CM APPL. 21611/2026

CNR No. DLHC010136302026
\+ LPA 208/2026, CM APPL. 21614/2026, CM APPL. 21615/2026, CM APPL. 21616/2026 & CM APPL. 21617/2026

CNR No. DLHC010137112026
\+ LPA 210/2026, CM APPL. 21631/2026, CM APPL. 21632/2026, CM APPL. 21633/2026 & CM APPL. 21634/2026

CNR No. DLHC010139932026
\+ LPA 213/2026, CM APPL. 21877/2026, CM APPL. 21878/2026, CM APPL. 21879/2026 & CM APPL. 21880/2026

CNR No. DLHC010139762026
\+ LPA 214/2026, CM APPL. 21881/2026, CM APPL. 21882/2026, CM APPL. 21883/2026 & CM APPL. 21884/2026

CNR No. DLHC010137662026
\+ LPA 216/2026, CM APPL. 21890/2026, CM APPL. 21891/2026, CM APPL. 21892/2026 & CM APPL. 21893/2026

CNR No. DLHC010137632026
\+ LPA 217/2026, CM APPL. 21894/2026, CM APPL. 21895/2026, CM APPL. 21896/2026 & CM APPL. 21897/2026

CNR No. DLHC010137942026
\+ LPA 220/2026, CM APPL. 22038/2026, CM APPL. 22039/2026, CM APPL. 22040/2026 & CM APPL. 22041/2026

CNR No. DLHC010137782026
\+ LPA 221/2026, CM APPL. 22042/2026, CM APPL. 22043/2026, CM APPL. 22044/2026 & CM APPL. 22045/2026

CNR No. DLHC010137762026
\+ LPA 225/2026, CM APPL. 22069/2026, CM APPL. 22070/2026, CM APPL. 22071/2026 & CM APPL. 22072/2026

CNR No. DLHC010141322026

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+ LPA 227/2026, CM APPL. 22327/2026, CM APPL. 22328/2026 & CM APPL. 22330/2026
# **CNR No. DLHC010142062026**
+ LPA 228/2026, CM APPL. 22333/2026, CM APPL. 22334/2026 & CM APPL. 22336/2026
# **CNR No. DLHC010141332026**
+ LPA 229/2026, CM APPL. 22339/2026, CM APPL. 22340/2026, CM APPL. 22341/2026 & CM APPL. 22342/2026
# **CNR No. DLHC010140282026**
+ LPA 230/2026, CM APPL. 22344/2026, CM APPL. 22345/2026 & CM APPL. 22347/2026
# **CNR No. DLHC010140322026**
+ LPA 231/2026, CM APPL. 22350/2026, CM APPL. 22351/2026 & CM APPL. 22353/2026
# **CNR No. DLHC010140332026**
+ LPA 232/2026, CM APPL. 22355/2026, CM APPL. 22356/2026 & CM APPL. 22358/2026
# **CNR No. DLHC010140422026**
+ LPA 233/2026, CM APPL. 22410/2026, CM APPL. 22411/2026 & CM APPL. 22413/2026
# **CNR No. DLHC010140552026**
+ LPA 234/2026, CM APPL. 22441/2026, CM APPL. 22442/2026 & CM APPL. 22444/2026
# **CNR No. DLHC010142072026**
+ LPA 235/2026, CM APPL. 22519/2026 & CM APPL. 22520/2026
# **CNR No. DLHC010144412026**
+ LPA 246/2026, CM APPL. 22880/2026, CM APPL. 22881/2026 & CM APPL. 22883/2026

APPEARANCES

FOR THE APPELLANTS:

Mr. Naushad Ahmed Khan, Mr. Arpit Mishra, Mr. Md. Mujtaba and Ms. Sejal Gupta, Advocates.

FOR THE RESPONDENTS:

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Mr. Varun Mudgil, Ms. Eti Kushwaha, Mr. Rakesh Kumar, Ms. Sheetal Sharma and Mr. Harsh Sharma, Advocates for Applicants in CM APPLs. 6420/2026 & 9096/2026 in LPA 29/2026; R2 in LPA 196/2026; R1 & 2 in LPA 221/2026 and R1 to 9 in LPA 202/2026.

Mr. Bharat Bhusan Bhatia, Mr. Anirudh Bakhru, Ms. Aayomi Sharma, Mr. Gaurav and Mr. Rishi Raj Gautam, Advocates.

Ms. Nishtha Garg, Advocate for Respondents / Teachers in Punjabi Academy.

Mr. Tushar Sannu, Standing Counsel with Mr. Devvrat Tiwari, Advocate for MCD.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

J U D G M E N T

DEVENDRA KUMAR UPADHYAYA, C.J.

1. These intra-Court appeals, though have been filed with delay, having heard the learned counsel for the parties and perused the averments in the applications seeking condonation of delay in filing and re-filing, we allow the applications and condone the delay.

2. The applications being CM APPL. Nos. 3905/2026, 21387/2026, 21389/2026, 21396/2026, 21398/2026, 21567/2026, 21569/2026, 21579/2026, 21581/2026, 21583/2026, 21585/2026, 21587/2026, 21589/2026, 21592/2026, 21594/2026, 21597/2026, 21599/2026, 21603/2026, 21605/2026, 21609/2026, 21611/2026, 21615/2026, 21617/2026, 21632/2026, 21634/2026, 21878/2026, 21880/2026, 21882/2026, 21884/2026, 21891/2026, 21893/2026, 21895/2026,

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Signing Date:24.08.2026
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21897/2026, 22039/2026, 22041/2026, 22043/2026, 22045/2026, 22070/2026, 22072/2026, 22328/2026, 22330/2026, 22334/2026, 22336/2026, 22340/2026, 22342/2026, 22345/2026, 22347/2026, 22351/2026, 22353/2026, 22356/2026, 22358/2026, 22411/2026, 22413/2026, 22442/2026, 22444/2026, 22520/2026 & 22881/2026 stand disposed of.

3. These intra-Court appeals have been instituted by Punjabi Academy and Directorate of Education, Government of Delhi (GNCTD) against the judgment dated 15.07.2025 passed by the learned Single Judge, whereby writ petitions filed by part-time Punjabi teachers who were appointed by Punjabi Academy and have been teaching Punjabi language in various schools run by Municipal Corporation of Delhi (hereinafter referred to as "**MCD**") across Delhi, have been allowed and a direction has been issued to re-fix their salaries in accordance with the judgment of a Division Bench of this Court in ***Durraj Fatima Naqvi and Ors. v. Govt. of NCT of Delhi and Ors***, decided on 17.09.2010 in W.P. (C) No. 13296/2009, at 50% of the salary of a regularly appointed Assistant/Primary Teacher. The learned Single Judge has also issued a direction to re-fix the salaries of all these teachers within 08 weeks from the date of judgment and to pay arrears thereof within 04 weeks thereafter. The teachers have also been held entitled to interest @ 6% per annum from the dates due till the dates of actual payment

4. For the sake of convenience, the teachers will be referred to as the 'writ petitioners' in this judgment.

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5. The Punjabi Academy is a society which functions as a society registered under the Societies Registration Act, 1860 and is fully funded, supervised and controlled by GNCTD. The Punjabi Academy introduced Punjabi Language Teaching Scheme with the objective of promoting Punjabi language in schools where there was such a demand from the students. As per the scheme, part-time Punjabi teachers were to be deployed on a need-based basis. The majority of writ petitioners were initially appointed between 1986-1991, except two teachers who were appointed in the year 2004 and 2010. These writ petitioners appointed by the Punjabi Academy were posted/placed in various schools run by the MCD across Delhi. The writ petitioners were paid monthly wages of Rs.500/- and Rs.600/- when they were initially appointed which, over the years has been increased. Such remuneration was increased to Rs.600/- per month for primary level, Rs.700/- for middle level and Rs.800/- for senior/secondary level teachers. The remuneration was further increased in the year 2000 and, thereafter in the year 2007. Ultimately, as per the decision of the Cabinet dated 28.05.2016, the remuneration of these teachers was increased based on Consumer Price Index Norm (CPI), whereby remuneration of TGT (Untrained), M.A. Gyani was fixed at Rs.8,150/-; for TGT (Untrained), B.A. Gyani was fixed at Rs.7,520/- and for Assistant Teacher (Untrained) Secondary/Senior Secondary was fixed at Rs.6,580/-. Part-time Assistant Teachers (untrained) with Class 10+2 qualifications are drawing monthly salary of Rs.7,168/- whereas those with B.A. and M.A. qualifications are drawing monthly salaries of Rs.8,192/- and Rs.8,885/- respectively.

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6. It is also noticeable that as per the notification dated 26.09.2024 of the Labour Department of the Government, the minimum wages to be paid to unskilled labour has been fixed to be Rs. 18,066/-, for a semi-skilled labour, it has been fixed at Rs. 19,929/- and for the skilled labour, it has been fixed to be Rs.21,917/-. Accordingly, it is apparent that these teachers who are not only teaching Punjabi to students but are also engaged in various administrative works such as setting up of papers, invigilation in the examination and evaluation of answer books etc. are paid less than half of the minimum wage, which as per the notification of the Labour Department dated 26.09.2024, is to be paid to an unskilled labourer.

7. The writ petitioners approached this Court by filing the underlying writ petitions with the said grievance asserting assailing therein that they are, at least, entitled to 50% of the salary which is being paid to a regularly appointed Assistant/Primary Teacher. The claim put forth by the writ petitioners was based on a Division Bench judgment of this Court in ***Durraj Fatima*** **(supra)** and another judgment of this Court in the case of ***Rani & Ors. v. Government of NCT of Delhi & Ors***., W.P. (C) No. 8541/2014 decided on 11.05.2016.

8. The learned Single Judge, while passing the impugned judgment has considered all the relevant aspects of the matter, including the submissions which have been urged before us in these appeals on behalf of the appellants and has held that the judgment of the Division Bench of this Court in ***Durraj Fatima*** **(supra)** has to be applied in the case of the writ petitioners as well, for the reason that the writ petitioners are similarly circumstanced as the writ petitioners in ***Durraj Fatima*** **(supra).** ***Durraj Fatima*** **(supra)** was a case

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By:SREERAM L
Signing Date:24.08.2026
17:13:32

which was filed by part-time Urdu Teachers who were engaged by Urdu Academy, which is an academy run and administered by GNCTD on the pattern of Punjabi Academy.

9. The learned Single Judge has noted the principles laid down by the Division Bench of this Court in ***Durraj Fatima*** **(supra),** where the Division Bench has taken note of the fact that even after 22 to 29 years of service, a teacher takes home a salary of Rs.5000/-. The facts of the case in ***Durraj Fatima*** **(supra)** compelled the Division Bench of this Court to make an observation that the facts shocked the conscience of the Court for the reason that the meagre amount of remuneration being paid to the Urdu Teachers after having served 22 to 29 years could not be justified. It was noticed in ***Durraj Fatima*** **(supra)** that such teachers were drawing Rs. 5000/- to Rs.5500/- per month, whereas a regularly appointed teacher with equal years of service was drawing a minimum monthly wage of Rs.45000/-. It is in this backdrop of facts that in ***Durraj Fatima*** **(supra),** a direction was issued by the Division Bench of this Court to fix the salaries of the petitioners at 50% of the salary paid to the regularly appointed teachers.

10. In this regard, the learned Single Judge has made certain observations in paragraphs 38 to 40 of the impugned judgment which we would like to reproduce in our judgment as well. The said observations are:

> *"38. A bare reading of the judgment shows that the Petitioners before the Division Bench were also part-time Teachers employed with Urdu Academy for teaching Urdu language for a duration of three hours per day. This Court is unable to discern from the judgement that the decision to grant 50% of the wages paid to the counterpart regular teachers was based on the higher educational qualifications possessed by the Petitioners and/or the fact that they were TGTs/PGTs, a distinction sought to be drawn by the Respondents ingeniously but erroneously, in denying the benefit of the judgment to the Petitioners herein. Clearly, what weighed with the*

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Signing Date:24.08.2026
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Court was the fact that having served as Teachers for 22 to 29 years, Petitioners were drawing a meagre salary of Rs.5,000/-/Rs.5,500/- per month respectively, while a regularly appointed Teacher with equal years of service was drawing a minimum monthly wage of Rs.45,000/-. It is in this backdrop that direction was issued to the Respondents to fix the salaries of the Petitioners at 50 way back in 2010. Admittedly, as per the chart filed by the Respondents, even as in the year 2022, monthly salaries of what the Respondents term as 'untrained teachers' is about Rs.7000/-, despite the Division Bench holding in the year 2010 that monthly salaries of Rs.5,000/- or Rs.5,500/- were unconscionable. Significantly, the Division Bench did not enter into the controversy as to whether the Petitioners were working full-time or parttime as can be seen from paragraph 18 of the judgment, wherein the Court observed that the claims of the Petitioners for equal wages were not being decided on account of their performing full duties for the reason there was no material to support the said plea.

39. Even otherwise, in the backdrop of the judgments of the Supreme Court referred above and Article 23 of the Constitution, there is little doubt that the action of the Respondents, called in question in these petitions, cannot withstand the test of judicial scrutiny and must be interdicted. State as a model employer cannot be heard to justify payment of a monthly wage of about Rs. 7000/- to teachers in 2025, having served for decades in promoting the goals and objectives of the State to preserve the heritage of the country. This is nothing short of exploitation, an evil sought to be eradicated and prohibited under Article 23 and needless to state Directives in Articles 39, 41 and 42 of the Constitution are completely violated.

40. Courts have from time to time advocated enforcement of fundamental rights against social and economic exploitation and held that the term 'forced labour' is of wide amplitude and includes in its fold cases where employees are forced by circumstances to take up employment at wages below the minimum wage, which is exactly the case here. As a model employer, GNCTD is bound to ensure enforcement of Article 23(1) and prohibit employment at meagre wage. State action must be fair, reasonable and far from arbitrary and tested on this anvil, the question is whether a wage of Rs.6,720/- or marginally higher than that can be said to be a fair wage for a teacher with 30 years of service and the answer can only be in the negative. In my view, no reasonable or prudent person could stand up to justify a wage below the minimum wage after 75 years from the making of the Constitution and 78 years from independence. Instead of taking forward the Constitutional goals and enforcing Article 23(1), even today strangely and shockingly, Respondents stand to canvass every possible argument under the sun to contest these petitions."

11. The learned Single Judge, referring to the judgment of the Hon'ble Supreme Court in ***Sukanya Shantha v. Union of India and Others***, (2024) 15 SCC 535, has also observed that the Constitution of India recognises dignity and individual autonomy inherent in all citizens and their right to life

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By:SREERAM L
Signing Date:24.08.2026
17:13:32

and personal liberty, and further that liberty and autonomy advance the cause of human dignity, and when individuals are granted freedom to make choices about their lives, the freedom fosters a sense of self-worth and respect, thereby recognising individual dignity and by safeguarding these principles, intrinsic worth of every human being is recognised and upheld. The learned Single Judge has also noticed the further observations made in ***Sukanya Shantha* (supra)** that in transformation of society against colonial and pre-colonial ideology, Constitution seeks to assure values of a just, humane and compassionate existence to all the citizens.

12. We are in complete agreement with the observations made and the conclusion arrived at, after detailed analysis of the facts and law, by the learned Single Judge in the impugned judgment. As observed above, the very basis in the impugned judgment which is under challenge before us is the judgment in the case of ***Durraj Fatima* (supra)** which was rendered by a Division Bench of this Court. In ***Durraj Fatima* (supra),** the teachers were initially appointed by Urdu Academy and were placed or posted to various schools established and run by the Directorate of Education, GNCTD and few of such teachers were teaching in primary schools established and run by the MCD. The teachers in ***Durraj Fatima* (supra)** were labelled as part time teachers and the grievance raised by such teachers in the said case was that they were paid a meagre amount despite performing the teaching as also various other administrative functions in their respective schools. The Division Bench in ***Durraj Fatima* (supra)** noted that schools established and run by the GNCTD and MCD, as also all other private schools recognised and operating in the Union Territory of Delhi, are regulated by

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the statutory provisions contained in Delhi School Education Rules, 1973. It was also noticed that as per Rule 101(1) of the said Rules, it is lawful to engage part time teachers in primary schools or in the primary classes of a middle level or the senior secondary schools but on regular basis. The Division Bench also noticed Rule 101(2) of the said Rules which mandates that the salary of a part time teacher has to include the allowances which shall be one-half of those of a full-time teacher appointed on a regular basis. It was also noticed in ***Durraj Fatima*** **(supra)** that the proviso appended to Rule 101(2) of the Rules requires that medical facilities and other benefits (not being pensionary or retirement benefits) admissible to a Part-Time Teacher have to be the same as admissible to a Full-Time Teacher.

13. The Divison Bench in ***Durraj Fatima*** **(supra),** thus, observed that if there is a mandate of law, the same cannot be violated by the Executive and further, that there cannot be a contract contrary to law. It was also observed that even if contractual appointments of part-time teachers are to be made, the same has to be made as per the statutory provisions and, therefore, under no circumstances, part-time teachers can be paid salary and allowances less than half the salary and allowances which is paid to full-time teachers appointed on regular basis. Paragraph 12 and 14 of the judgment in ***Durraj Fatima*** (supra) is extracted herein below:

> *"12 If there is a mandate of law, the same cannot he violated by the Executive and there cannot be a contract contrary to law. Contractual appointments of part time teachers, even if resorted to has to be as per the Statute and thus under no circumstances can Part Time Teachers; be paid salary and, other allowances less than one-half of what is paid to the Full-Time Teachers appointed on a regular basis."*
> *[...]*

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Signing Date:24.08.2026
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14. It shocks the conscience of this Court to note that the part time Primary Teachers teaching Urdu in the Municipal School are being paid a meager sum of Rs.5,000/- per month and their counterparts, even in the minimum of the scale draw a minimum monthly salary of Rs.21745/· with additional benefits of Contributory Provident Fund. The shock to the conscience of this Court gets aggravated when we note that all the petitioners have crossed their middle age and have been teaching for various periods ranging from 22 years to 29 years and applying the pay scale, giving increments, as regularly appointed Teachers would be drawing a minimum monthly wage of Rs. 45,000/- and what they are getting is only Rs.5,000/- per month."

14. It is also noticeable that the judgment rendered by the Division Bench in ***Durraj Fatima* (supra)** has been complied with and the Urdu Teachers therein are being paid in terms of what was mandated by this Court by the said judgement.

15. Reference may be had to yet another Division Bench judgment of this Court in ***Rani & Ors.* (supra).** It was a case where part-time Punjabi Teachers had claimed parity with ***Durraj Fatima* (supra)** and, accordingly, their claim was allowed by the Division Bench, holding therein that the teachers there were identical and similarly placed as petitioners in ***Durraj Fatima* (supra).** Accordingly, the Division Bench allowed the said writ petition as well.

16. Learned counsel for the appellant has, however, attempted to make a distinction between the teaches of Punjabi Academy and teachers of the Urdu Academy whose cases were dealt with by the Division Bench in ***Durraj Fatima* (supra).** In this regard, it has been argued that in ***Durraj Fatima* (supra),** all Urdu part-time teachers were trained teachers in the sense that they all had B.Ed or equivalent degrees to their credit whereas in the instant case, the writ petitioners are not having the B.Ed Degree to their

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credit. The aforesaid aspect has rightly and appropriately been dealt with by the learned Single Judge in the impugned judgment wherein it has been observed that such distinction does not have any basis in law for the reason that the writ petitioners in the instant case were initially appointed on fulfilling the requisite qualification as was stipulated in the respective advertisements, which fact is not denied by the appellants. It has also been observed by the learned Single Judge that besides this, the judgment in ***Durraj Fatima*** **(supra)** had nothing to do with the educational qualifications of the teachers. It has also been noticed by the learned Single Judge in the impugned judgment that it is nobody's case that the writ petitioners perform duties different from teachers teaching Urdu or Sanskrit language and/or that their matriculation or 10+2 qualification have been an impediment in their teaching. Learned Single Judge further observes that the very fact that the writ petitioners have continued for decades demonstrates their competence and capabilities and certainly make them entitled to a decent wage after serving for a lifetime.

17. Reference has also been made in this regard by the learned counsel for the appellant to a notification dated 23.08.2010 issued under Section 23(1) of Right of Children to Free and Compulsory Education Act, 2009. Noticing the said notification dated 23.08.2010, the learned Single Judge has observed that the said notification exempted the writ petitioners as they fall in exempted category, having been appointed prior to the date of issuance of the notification. It has further been observed that this is yet another reason why the educational qualifications of the writ petitioners cannot stand in their way of being given the benefit of the judgment in ***Durraj Fatima***

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Signing Date:24.08.2026
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(supra). The observations made by the learned Single Judge in paragraph 42 of the impugned judgment is as follows:

> *"42. Denial of a decent wage to the Petitioners and benefit of the judgment in **Durraj Fatima (supra)** is primarily predicated on the difference in the educational qualification possessed by the Petitioners at the time of their appointments. The denial has absolutely no basis in law for the simple reason that the Petitioners were appointed on fulfilling the requisite qualifications stipulated in the respective advertisements and this fact is uncontroverted. This is besides the fact that the judgment in **Durraj Fatima (supra)** had nothing to do with the educational qualifications of the Petitioners therein. It is nobody's case that Petitioners perform duties different from the teachers teaching Urdu or Sanskrit language and/or that their Matriculation or 10+2 qualification have been an impediment in their teaching. The very fact that Petitioners have continued for decades demonstrates their competence and capabilities and certainly makes them entitled to a decent wage after serving for a lifetime. Additionally, Notification dated 23.08.2010 issued under Section 23(1) of 2009 Act, exempts the Petitioners from acquiring higher qualifications specified in paragraph 1 thereof since they fall in the exempted category, having been appointed prior to the date of issue of the Notification. This is yet another reason why the educational qualifications of the Petitioners cannot stand in their way from being given the benefit of the judgment in **Durraj Fatima (supra)**."*

18. We may note that though the writ petitioners had laid their claim for regularisation of their services which prayer was given up during pendency of the writ petitions. In this backdrop, what all has been provided for by the learned Single Judge in the impugned judgement is that they shall be paid 50% of the salary which is admissible to a regularly appointed teacher. The submission made by learned counsel for the appellant, as above, may be relevant for the purposes of considering the claim of regularisation of the services of the writ petitioners, however, so far as their claim for payment of salary at 50% of the salary being paid to the regularly appointed teachers is concerned, in our considered opinion, such argument does not bear any credence. As already observed, in ***Durraj Fatima* (supra),** any appointment of a part-time teacher is regulated by the statutory prescription available in

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Signing Date:24.08.2026
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Rule 101 of the Delhi School Education Rules, 1973. Sub Rule 2 of Rule 101 clearly mandates that salary and allowances admissible to a teacher appointed on a part-time basis shall be one half of those of a full-time teacher appointed on regular basis. It is not in dispute that all the writ petitioners have been continuing to serve to teach Punjabi in the schools run by the MCD regularly that means without any break and, therefore, their claim for payment of salary at 50% of salary paid to regularly appointed full-time teachers is protected by the provisions contained in Rule 101(2) of the Delhi School Education Rules, 1973.

19. Similarly, as far as the submission made by learned counsel for the appellants based on the notification dated 26.09.2024 issued under Section 23(1) of the Right of Children to Free and Compulsory Education Act, 2009 is concerned, the minimum qualification prescribed therein may be relevant if the claim of the writ petitioners related to regularisation of their services. Admittedly, all the writ petitioners fulfil the requisite qualification as per the stipulations made in the respective advertisements pursuant to which they were engaged initially as part-time teachers and, accordingly, we do not see any reason to agree with the submissions made by the learned counsel for the appellant in this regard as well.

20. Reference can also be made to a judgment of the Hon'ble Supreme Court in ***Sukhendu Bhattacharjee v. State of Assam***, 2026 SCC OnLine SC 909. Though, the said case related to claim of regularisation of certain muster roll employees who had served the State for long periods, the Hon'ble Supreme Court, while allowing their claim for regularisation observed, *inter alia*, that long and continuous services are relevant

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Signing Date:24.08.2026
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consideration and that the State, as a model employer is under constitutional obligation to act with fairness, consistency and reasonableness. It is further observed in the said judgment that practice of retaining employees for decades under deceptively titled designations while simultaneously extracting regular work integral to the administration has been disapproved consistently.

21. Taking cue from the observations made by the Hon'ble Supreme Court in ***Sukhendu Bhattacharjee*** **(supra),** though these observations were made in the context of claim of regularisation, we are also of the opinion that the practice on the part of the appellants in denying the writ petitioners even the minimum wages available to an unskilled labourer, though the writ petitioners have been rendering their services for decades, is absolutely unfair and does not behove of a model employer that any State agency or a public body is expected to be. Such denial of even 50% salary to the writ petitioners by the appellants which the appellants are otherwise mandated by the provisions of Rule 101(2) of the Delhi School Education Rules, 1973, in our opinion, does not withstand the scrutiny of Article 14 of the Constitution of India being absolutely arbitrary.

22. For all the aforesaid reasons, we are not persuaded by the learned counsel for the appellants to take a view different from the one taken by the learned Single Judge.

23. The appeals, thus, lack merit which are hereby dismissed.

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24. The judgment passed by the learned Single Judge dated 15.07.2025 shall therefore be complied with within eight weeks from the date of this judgment.

25. However, there shall be no order as to costs.

26. Pending applications, if any, stand disposed of.

(DEVENDRA KUMAR UPADHYAYA)
CHIEF JUSTICE

(TEJAS KARIA)
JUDGE

AUGUST 24, 2026
N.Khanna

Signature Not Verified
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By:SREERAM L
Signing Date:24.08.2026
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