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

+ W.P.(C) 7232/2022, CM APPL. 22117/2022 & CM APPL.
55491/2022

RUCHI SHARMA

.....Petitioner

Through: Mr. Ankur Sharma, Advocate.

versus

SS MOTA SINGH MODEL SR SEC SCHOOL AND ORS

.....Respondents

Through: Mr. Aranya Moulick, Ms. Namya
Rishi, Advocates for R-1.

Mr. Yeeshu Jain ASC with Ms. Jyoti
Tyagi and Mr. Sachin Garg,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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17.07.2026

1. The Petitioner is employed as an Assistant Teacher (Science) with Respondent No. 1, S.S. Mota Singh Model Senior Secondary School, Paschim Vihar, a recognised private unaided school governed by the Delhi School Education Act, 1973 and the Delhi School Education Rules, 1973.
2. The grievance raised in the petition is that, notwithstanding the statutory mandate contained in Section 10 of the Delhi School Education Act, 1973, the School has not revised the Petitioner's pay in accordance with the recommendations of the 7th Central Pay Commission ("7th CPC"). The Petitioner seeks fixation of her pay with effect from 1st January, 2016 and payment of the consequential arrears and allowances. She has also made certain ancillary claims relating to ACP, provident fund, ESI, bonus, leave



encashment and other service benefits.

3. The Petitioner states that she made a representation to the School on 16th November, 2021, followed by a legal notice dated 8th February, 2022. According to her, neither resulted in implementation of the revised pay structure, compelling her to institute the present petition.

4. The School does not dispute that the Petitioner is its regular employee or that she is presently being paid in accordance with the 6th Central Pay Commission ("6th CPC). Nor does it dispute, in principle, the entitlement of employees of recognised private schools to the benefits of the 7th CPC. Its principal defence is financial incapacity.

5. The School attributes its financial position to the rejection of its proposals for enhancement of fee, depletion of its reserves, reduction in the number of students, non-payment of fee during the Covid-19 pandemic and the alleged disruption of its functioning on account of demonstrations undertaken by some of its employees. It relies upon its audited accounts, orders passed in proceedings concerning fee enhancement and the proceedings dated 12th September, 2017 of the Delhi High Court Committee for Review of School Fee.

6. The financial statement placed on record shows annual deficits from the financial year 2015-16 onwards and an aggregate deficit of approximately INR 27.91 crore up to the financial year 2021-22. The School also relies upon the order dated 20th May, 2022 of the Directorate of Education, by which it was permitted to enhance the tuition fee by 12% with effect from 1st July, 2022.

7. The School further contends that the Directorate could not, by an administrative order issued in 2017, impose the revised pay structure



retrospectively from 1st January, 2016. It has also questioned the maintainability of the petition on the ground that a private unaided school is not “State” within the meaning of Article 12 of the Constitution.

8. The Directorate of Education has opposed the stand of the School. In its counter affidavit, it states that Respondent No. 1 is a recognised private unaided school and is statutorily bound to comply with Section 10 of the Act as well as the orders issued by the Directorate. It relies upon the orders dated 25th August, 2017 and 9th October, 2019, by which all recognised private unaided schools were directed to implement the Central Civil Services (Revised Pay) Rules, 2016 in respect of their regular employees.

9. The Directorate has also placed on record the School’s communication dated 15th December, 2025. In that communication, the School stated that it intended to make payment to its employees in accordance with the 7th CPC, but had been unable to do so on account of shortage of funds. The Directorate, therefore, maintains that the School has admittedly not implemented the revised pay structure and that its plea of financial incapacity cannot relieve it of the statutory obligation.

10. The controversy lies within a narrow compass. The questions which arise are whether the petition is maintainable against a recognised private unaided school; whether the Petitioner is entitled to pay fixation under the 7th CPC with effect from 1st January, 2016; and whether the School’s financial position constitutes a valid defence to that claim.

Maintainability

11. The objection to the maintainability of the petition proceeds on a misconception as to the scope of Article 226 of the Constitution. The Petitioner does not seek enforcement of a purely private contractual



obligation. She seeks performance of a duty imposed upon a recognised private school by Section 10 of the Delhi School Education Act, 1973.

12. The fact that the School may not be “State” within the meaning of Article 12 does not place its statutory obligations beyond judicial review. In ***Raj Soni v. Air Officer Incharge Administration***,¹ the Supreme Court held that recognised private schools in Delhi, whether aided or unaided, are governed by the Act and Rules and cannot defy a statutory obligation on the plea that they are not authorities under Article 12.

13. A similar objection as to the maintainability of a writ petition against a recognised private unaided school was raised in ***Kuttamparampath Sudha Nair & Ors. v. Managing Committee, Sri Sathya Sai Vidya Vihar & Anr.***² The Court rejected the objection, holding that where the relief sought is, in essence, enforcement of a statutory obligation under Section 10(1) of the Delhi School Education Act, 1973, a writ of mandamus would lie to enforce such statutory duty. The present petition is, therefore, maintainable..

Entitlement under Section 10

14. Section 10(1) mandates that the scales of pay, allowances and other prescribed benefits of employees of a recognised private school shall not be less than those admissible to employees of corresponding status in schools run by the appropriate authority. The expression “shall not be less” leaves no discretion with the management of a recognised school to prescribe or continue a lower pay structure.

15. This construction is supported by the decisions in ***Frank Anthony***

¹ (1990) 3 SCC 261.

² 2021:DHC:1533.



Public School Employees' Association v. Union of India,³ and ***Dhanwant Kaur Butalia v. Guru Nanak Public School***.⁴ In ***Frank Anthony*** while examining the constitutional validity of excluding unaided minority schools from the operation of Section 8 to 11, the Supreme Court held that the mandate of Section 10 is a permissible regulatory measure aimed at attracting competent staff and ensuring excellence in educational institutions. The said principle has since been reiterated by this Court in ***Dhanwant Kaur Butalia*** wherein it was observed that Section 10 embodies the minimum statutory standard which every recognised school is required to observe.

16. Consequent upon adoption of the Central Civil Services (Revised Pay) Rules, 2016 for employees of Government schools, the Directorate issued the order dated 25th August, 2017 directing the managing committees of all recognised private unaided schools to implement the revised pay structure for their regular employees. The order expressly made pay fixation and arrears effective from 1st January, 2016. The direction was reiterated on 9th October, 2019.

17. The liability of this very management has already been considered by this Court. In ***Amrita Pritam & Ors. v. S.S. Mota Singh Junior Model School & Ors.***,⁵ the Court directed the School to extend the benefits of the 7th CPC to its employees and to release the arrears. The plea that implementation was not possible because of financial hardship and restrictions upon fee enhancement was expressly rejected.

18. The School carried that judgment in appeal. By order dated 26th

³ (1986) 4 SCC 707.

⁴ 2016:DHC:320-DB.



September, 2023 in LPA 399/2023 titled ***S.S. Mota Singh Junior Model School & Anr. v. Directorate of Education, Government of NCT of Delhi & Ors.***, the Division Bench dismissed the appeal.

19. A similar claim by other employees of the same School was allowed in ***Chhaya Singh & Ors. v. S.S. Mota Singh Senior Secondary Model School & Ors.***⁶ The Court found the matter squarely covered by ***Amrita Pritam*** and directed payment of the arrears arising from 7th CPC.

20. The Petitioner is similarly situated. The School has not pointed out any distinction in her appointment, status or post which would exclude her from the statutory parity mandated by Section 10. On the contrary, its own reply states that the entitlement of its employees to 7th CPC has never been questioned. Its communication dated 15th December, 2025 reiterates its intention to pay, while attributing the continued default only to shortage of funds.

Financial incapacity

21. The material placed by the School regarding its financial condition has been considered. The Court does not doubt that implementation of a revised pay structure may impose a substantial financial burden upon a private unaided school. That circumstance, however, cannot alter the effect of the statutory obligation.

22. The proceeding dated 12th September, 2017 of the Delhi High Court Committee for Review of School Fee concerned the School's financial position in the context of implementation of the 6th CPC and the fee enhancement effected pursuant to the Directorate's order dated 11th

⁵ 2021:DHC:2960.

⁶ In *W.P.(C) 12309/2021*, decided on 19th May, 2022.



February, 2009. It did not exempt the School from Section 10, much less authorise it to withhold the benefits of the Seventh Central Pay Commission.

23. Moreover, the School's entitlement to recover additional fee from its students and its statutory obligation under Section 10 operate in distinct fields. Whether or not permission for enhancement of fee is granted does not affect the Petitioner's statutory entitlement to receive salary in accordance with Section 10.

24. The audited accounts and the order dated 20th May, 2022 may be relevant to the time reasonably required for discharging the accumulated liability. They cannot extinguish the liability itself. The law on this aspect has already been applied against the same management and affirmed in appeal.

Effective date

25. The School's challenge to the retrospective operation of the Directorate's order dated 25th August, 2017 is equally untenable. The liability does not originate in the order dated 25th August, 2017. It arises from Section 10 itself. Once the revised pay became admissible to employees of corresponding status in Government schools with effect from 1st January, 2016, the statutory parity prescribed by Section 10 operated from the same date.

26. The Directorate's orders did not create a new liability for an anterior period. They required recognised private schools to give effect to an existing statutory obligation. The Petitioner is, accordingly, entitled to revision of her basic pay from 1st January, 2016. Revised allowances shall, however, be payable from the respective dates on which those allowances became admissible to employees of corresponding status in Government schools



under the applicable rules and orders.

Other claims

27. The allegations concerning demonstrations by teachers, reduction in student strength and the memorandum stated to have been issued to the Petitioner regarding corporal punishment have no bearing upon the present controversy. No disciplinary order affecting her status or entitlement has been placed before the Court. Such allegations cannot constitute an answer to the claim under Section 10.

28. The petition also contains general claims relating to ACP, ESI, provident fund, bonus, overtime, leave encashment and other benefits. These claims have not been pressed.

Relief

29. The School has had the benefit of considerable time. The judgment in **Amrita Pritam** was rendered before the present petition was instituted, and the appeal against that judgment has since been dismissed. Even in December 2025, the School admitted that no payment under 7th CPC had been made to the Petitioner. There is, therefore, no justification for any further indefinite postponement.

30. The financial material placed on record nevertheless persuades the Court to grant a reasonable period for liquidation of the accumulated arrears. As regards interest, the Petitioner has claimed interest at the rate of 18% per annum. That rate is plainly excessive. At the same time, complete denial of interest would permit the School to retain, without consequence, amounts which ought to have formed part of the Petitioner's salary.

31. The writ petition is, accordingly, partly allowed with the following directions:



- i. Respondent No. 1 shall re-fix the Petitioner's pay in accordance with the Central Civil Services (Revised Pay) Rules, 2016 and the applicable orders of the Directorate of Education, with effect from 1st January, 2016.
 - ii. Revised allowances shall be calculated from the respective dates on which they became payable to employees of corresponding status in Government schools.
 - iii. A detailed statement of fixation and arrears, after adjustment of the amounts already paid, shall be furnished to the Petitioner and the Directorate of Education within four weeks.
 - iv. The current salary of the Petitioner shall, if not already being paid in accordance with the revised pay structure, be brought in conformity with 7th CPC from the next ensuing salary month.
 - v. The entire arrears shall be released within twelve weeks from today.
 - vi. The arrears shall carry simple interest at the rate of 6% per annum from the date of institution of the present petition until the date of actual payment.
 - vii. Respondent No. 2 shall verify the fixation and calculation submitted by the School and ensure compliance with these directions. In the event of default, it shall take such action as is permissible under the Delhi School Education Act, 1973 and the Rules framed thereunder.
32. The writ petition and the pending applications are disposed of in the aforesaid terms. There shall be no order as to costs.

SANJEEV NARULA, J

JULY 17, 2026/ab