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

CNR No. DLHC010398692026

+ **CONT.CAS(C) 1528/2026 & CM APPL. 57381/2026, CM APPL. 57382/2026**

JUSTICE FOR ALL

.....Petitioner

Through: Mr. Khagesh B. Jha, Advocate
(M:8826456565)

versus

SH TARANJIT SINGH SANDHU AND ORS Respondents

Through: Mr. Sameer Vashisht, SC-GNCTD
Ms. Manisha Agrawal Narain, CGSC
with Ms. Aditi Singh, Mr. Divanshu,
Advocates for R-4 (M:9205646604)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
24.08.2026

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1. The present petition has been filed alleging wilful disobedience of the judgment dated 14th January, 2026, passed by the Division Bench of this Court in *W.P.(C) 445/2026*, titled as *Justice for All Versus Honble Lieutenant Governor Govt of NCT of Delhi and Ors.*

2. At the outset, learned Standing Counsel for Government of NCT of Delhi ("GNCTD") objects to the maintainability of the present petition. He submits that respondent no. 1 has been impleaded through name. He submits that respondent no. 1, being the Lieutenant Governor of Delhi, could not have been impleaded though his name in the present contempt proceedings.

3. He relies upon the judgment of the Supreme Court in the case of *Rameshwar Prasad and Others (VI) Versus Union of India and Another*,



(2006) 2 SCC 1, wherein, it has been held as follows:

“xxx xxx xxx

172. Article 361(1) which grants protection to the President and the Governor reads as under:

“361. Protection of President and Governors and Rajpramukhs.—(1) The President, or the Governor or Rajpramukh of a State, shall not be answerable to any court for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties:

Provided that the conduct of the President may be brought under review by any court, tribunal or body appointed or designated by either House of Parliament for the investigation of a charge under Article 61:

Provided further that nothing in this clause shall be construed as restricting the right of any person to bring appropriate proceedings against the Government of India or the Government of a State.

(2) No criminal proceedings whatsoever shall be instituted or continued against the President, or the Governor of a State, in any court during his term of office.

(3) No process for the arrest or imprisonment of the President, or the Governor of a State, shall issue from any court during his term of office.

(4) No civil proceedings in which relief is claimed against the President, or the Governor of a State, shall be instituted during his term of office in any court in respect of any act done or purporting to be done by him in his personal capacity, whether before or after he entered upon his office as President, or as Governor of such State, until the expiration of two months next after notice in writing has been delivered to the President or the Governor, as the case may be, or left at his office stating the nature of the proceedings, the cause of action therefor, the name, description and place of residence of the party by whom such proceedings are to be instituted and the relief which he claims.

173. A plain reading of the aforesaid article shows that there is a complete bar to the impleading and issue of notice to the President or the Governor inasmuch as they are not answerable to any court for the exercise and performance of their powers



and duties. Most of the actions are taken on the aid and advice of the Council of Ministers. The personal immunity from answerability provided in Article 361 does not bar the challenge that may be made to their actions. Under law, such actions including those actions where the challenge may be based on the allegations of mala fides are required to be defended by the Union of India or the State, as the case may be. Even in cases where personal mala fides are alleged and established, it would not be open to the Governments to urge that the same cannot be satisfactorily answered because of the immunity granted. In such an eventuality, it is for the respondent defending the action to satisfy the Court either on the basis of the material on record or even filing the affidavit of the person against whom such allegation of personal mala fides are made. Article 361 does not bar filing of an affidavit if one wants to file on his own. The bar is only against the power of the Court to issue notice or making the President or the Governor answerable. In view of the bar, the Court cannot issue direction to the President or the Governor for even filing of affidavit to assist the Court. Filing of an affidavit on one's own volition is one thing than the issue of direction by the Court to file an affidavit. The personal immunity under Article 361(1) is complete and, therefore, there is no question of the President or the Governor being made answerable to the Court in respect of even charges of mala fides.

xxx xxx xxx”

4. By referring to the aforesaid, learned Standing Counsel for GNCTD submits that there is a complete personal immunity granted to the Governor under Article 361(1) of the Constitution of India (“Constitution”). Therefore, there is no question of the Governor of a State being answerable to the Court.
5. He further submits that the other respondents, who have been made parties before this Court, were not parties to the writ petition before the Division Bench. He, thus, submits that they could not have been made parties herein.
6. It is submitted that as far as respondent no. 4 – Ministry of Education



is concerned, their role would start only after a proposal is sent by the respondent – GNCTD.

7. Be that as it may, in pursuance of the directions passed by the Division Bench the process for amendment of rules under the Delhi School Education Act, 1973, has already been initiated by the respondent-GNCTD.

8. Learned Standing Counsel for GNCTD submits that a committee has been formed in this regard, and a meeting of the said committee was convened on 20th August, 2026. He has handed over to this Court documents in this regard, which are taken on record.

9. Accordingly, noting the aforesaid, the present petition along with pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

AUGUST 24, 2026/au