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

**Date of Decision: 17<sup>th</sup> August, 2026**

# **CNR No. DLHC012499062017**

+ **W.P.(C) 5138/2017 & CM APPL. 21912/2017**

**VIDYA BHARTI SCHOOL**

.....Petitioner

versus

**RAJNI MEHANDIRATTA & ANR**

.....Respondents

*With*

**W.P.(C) 6111/2017, W.P.(C) 6159/2017, W.P.(C) 8208/2017,  
W.P.(C) 8231/2017, W.P.(C) 13994/2025**

***For Petitioners:*** Mr. Pragyan Pradip Sharma, Senior Advocate with  
Mr. Rustam Chaudhuri and Mr. Rachit Sharma,  
Advocate.

Ms. Tripurari Ray, Advocate.

Mr. Atul Bandhu, Advocate in Item No. 14.

***For Respondents:*** Mr. K. P. Gupta, Advocate for R-1 in Item Nos. 10  
and 14.

Mr. Kamlesh Kumar and Ms. Tripta Kamta,  
Advocates for R-1 in Item No. 12.

Dr. M.Y. Khan, Advocate for Respondent  
Employees in Item Nos. 9, 11 & 13.

Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi and  
Mr. Sachin Garg, Advocates for in Item Nos. 9 to  
14.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**JUDGMENT**

**SANJEEV NARULA, J. (Oral):**

1. These six petitions arise from events that unfolded outside the gates of  
a school over three mornings in August 2013 and have since travelled



through disciplinary inquiries, statutory appeals and, ultimately, to this Court. The teachers describe the events as a peaceful protest arising from unresolved service grievances. The School presents a very different account: according to it, the teachers engaged in organised indiscipline which disrupted the functioning of the institution and crossed the limits of permissible protest.

2. The common factual setting is relevant, but it does not detract from the central issue that falls for consideration. Disciplinary liability must ultimately be assessed individually. Nearly fifty teachers are said to have been present outside the School, while disciplinary proceedings were initiated against only a much smaller number. The School's identified the Respondents as instigators, organisers or as having played a more active role in the events. The inquiry, therefore, is not merely whether there was a protest or whether it caused disruption, but whether the particular misconduct alleged was established against each Respondent and whether the Tribunal was justified in disturbing the findings returned in the respective disciplinary proceedings. Presence in a protesting group cannot, without more, be treated as proof that every individual committed each act attributed to the group. That distinction assumes significance here because the charges extend well beyond absence from duty or participation in a protest and include allegations of stone pelting, abusive language, obstruction of the school gates, defacement of property, false complaints to the police and other acts of serious misconduct.

3. Five of these petitions challenge orders passed by the Delhi School Tribunal ("Tribunal") in 2017. The sixth, concerning Ms. Anjali Chugh, arises from an order passed by the Tribunal on 7<sup>th</sup> March, 2025. In each



case, the School had removed the employee from service after a domestic inquiry. The Tribunal set aside the removal and directed reinstatement. The reasoning employed by the Tribunal is substantially common in the first five cases and finds its way, in part, into the later decision concerning Ms. Chugh.

4. The School assails the Tribunal principally on two fronts. It contends that the Tribunal assumed an appellate jurisdiction wider than the Delhi School Education Act, 1973 (“the Act”) confers upon it and reappreciated the disciplinary evidence as though it were deciding a regular civil appeal. It also submits that the Tribunal applied technical rules of evidence to domestic inquiries, discarded statements merely because they had first been recorded before commencement of the inquiry, insisted upon formal proof of photographs and electronic material, and thereby displaced findings returned by independent Inquiry Officers on a standard of preponderance of probabilities.

5. There is substance in these objections. The Tribunal has, in places, stated the law too widely. A domestic inquiry is not a trial governed by the Indian Evidence Act, 1872, nor does natural justice invariably require a witness who has made an earlier statement to repeat it verbatim before the Inquiry Officer. At the same time, the relaxation of technical rules of evidence does not dispense with the requirement of proof. Mere participation in a group cannot, by itself, establish the specific misconduct alleged against an individual employee.

6. The errors in the Tribunal’s reasoning, however, are not determinative. The question before this Court is whether they are



sufficiently material to warrant interference in writ jurisdiction and restoration of the orders of removal.

7. Having examined the record, this Court finds that they are not. As discussed below, notwithstanding the infirmities in parts of the Tribunal's reasoning, the disciplinary orders do not warrant restoration.

*The connected proceedings*

8. W.P.(C) 5138/2017 concerns Ms. Rajni Mehandiratta, a TGT (Art & Craft). She was proceeded against on eight articles of charge. The Inquiry Officer held Charges 1, 2, 3, and 5 proved, Charges 4 and 7 partially proved, and Charges 6 and 8 not proved. Her removal from service followed on 24<sup>th</sup> January, 2015. The Tribunal allowed Appeal No. 29/2015 by its decision dated 8<sup>th</sup> March, 2017

9. W.P.(C) 6111/2017 concerns Mr. Anil Kumar Ahuja, a PGT (Mathematics). Six articles of charge were framed against him. The Inquiry Officer held Charges 1, 3 and 6 proved, Charge 4 partly proved and Charges 2 and 5 not proved. His removal followed on 2<sup>nd</sup> December, 2014 (with retrospective effect from 1<sup>st</sup> December, 2014). The Tribunal allowed Appeal No. 08/2015 on 8<sup>th</sup> March, 2017.

10. W.P.(C) 6159/2017 concerns Ms. Rinku Sehgal, a TGT (Social Science). Of the seven articles of charge framed against her, the Inquiry Officer held Charges 3 and 5 proved, Charges 1 and 4 partially proved, and Charges 2, 6, and 7 not proved. The School itself records that the Inquiry Officer found the School closed on 2<sup>nd</sup> and 3<sup>rd</sup> August, 2013, and therefore confined the finding of unauthorised absence to 1<sup>st</sup> August, 2013. Her removal dated 1<sup>st</sup> December, 2014 was set aside by the Tribunal in Appeal No. 13/2015 on 8<sup>th</sup> March, 2017.



11. W.P.(C) 8208/2017 relates to Ms. Neelam Rathore, PGT (Biology). Eleven articles of charge were framed against her. The Inquiry Officer held Charges 1 to 7 proved and Charges 8 to 11 not proved. Her removal dated 22<sup>nd</sup> September, 2015 was set aside in Appeal No. 01/2016 on 19<sup>th</sup> April, 2017.

12. W.P.(C) 8231/2017 concerns Ms. Ranju Sharma, PGT (Commerce). Eight articles of charge were framed against her. The Inquiry Officer held them substantially proved. Her removal dated 1<sup>st</sup> December, 2014 was set aside by the Tribunal in Appeal No. 12/2015 on 8<sup>th</sup> March, 2017.

13. W.P.(C) 13994/2025, concerning Ms. Anjali Chugh, stands somewhat apart in chronology and in the nature of some of the charges. Ms. Anjali Chugh was charge sheeted on 25<sup>th</sup> August, 2015 on seven articles. The Inquiry Officer, by report dated 15<sup>th</sup> November, 2016, held Charges 1, 3, 4, 5 and 6 proved, Charge 2 partly proved and Charge 7 not proved. The competent authority of the Directorate of Education conveyed approval to the proposed major penalty and the School thereafter removed her from service on 18<sup>th</sup> January, 2018. The Tribunal allowed Appeal No. 12/2018 by order dated 7<sup>th</sup> March, 2025 and directed reinstatement.

*The background to the disciplinary action*

14. The events of August 2013 did not occur in isolation. Some of teachers had been pursuing claims concerning implementation of the recommendations of the 6<sup>th</sup> Central Pay Commission and other service benefits. Those disputes had also reached this Court in W.P.(C) 6804/2013, wherein this Court directed the School to comply with the Director of Education circular dated 11<sup>th</sup> February, 2009 for the payment of salaries in terms of the report of the 6<sup>th</sup> Pay Commission. The teachers characterize the



subsequent proceedings as a retaliatory “counterblast” to this litigation. The School, on the other hand, maintains that the disciplinary action was independent of those service disputes and arose from the teachers’ own acts of misconduct.

15. The mere proximity in time between the pay dispute and the disciplinary proceedings is insufficient to conclude that the latter were retaliatory. Significantly, the record contains contemporaneous material, including police complaints and witness statements from early August 2013, identifying the Respondents as having led the agitation. This material predates the litigation instituted in September 2013 and militates against the contention that the disciplinary proceedings were merely a retaliatory response thereto.

16. On 1<sup>st</sup> August, 2013, the School informed the Directorate of Education that it had been “forced to shut down” because of what it described as mass absenteeism. The communication alleged that most of the teachers had been induced to agitate by certain teachers and specifically named Ms. Neelam Rathore, Ms. Ranju Sharma, Ms. Rinku Sehgal, Ms. Rajni Maindiratta and Mr. Anil Kumar Ahuja, among others. The School also apprehended that closure might continue for another day or two.

17. The employees gave a very different account. Their contemporaneous representations asserted that they had reported for duty but were stopped at the gate and were not permitted to enter the School. A representation made in October 2013, for example, states that the teachers had attended on all three days but had been kept outside the premises.

18. The present proceedings do not require this Court to adopt a common factual narrative for every person present outside the School on those dates.



Indeed, the School itself now accepts that such an approach would not be appropriate.

19. During the hearing on 29<sup>th</sup> July, 2026, the Court was taken through the statement of School Witness, Ms. Mehak Khanna and other material suggesting that nearly fifty teachers were outside the School. The Principal was therefore directed to disclose how many teachers were proceeded against, why all were not proceeded against and what eventually became of the proceedings against those who were.

20. In the affidavit filed pursuant to that direction, the School states that show cause notices were issued to twelve teachers and charge sheets to eleven, Ms. Nikita Kapil being the exception. It accepts that approximately fifty teachers were protesting but explains that proceedings were not initiated merely because a teacher was present or sympathetic to the concerns raised. The affidavit says:

*“the mere fact that a teacher was present during the protest or was sympathetic to the concerns being raised by the protesting teachers was not, by itself, treated as sufficient justification for initiation of disciplinary proceedings.”*

21. The School states that the eleven were selected because of their particular roles in organising or disrupting the functioning of the institution.

22. That explanation is significant. Proceeding against only some members of a larger group is not, by itself, discriminatory. The School was well within its right to proceed against those whose individual conduct warranted disciplinary action. The communication dated 1<sup>st</sup> August, 2013 lends some contemporaneous support to the School’s case that certain alleged instigators had been identified at the relevant time.

23. The School’s explanation, however, also requires the disciplinary



action against each employee to rest on evidence of their individual role. Once mere presence at the protest was admittedly not considered sufficient, the inquiry was required to establish the specific conduct attributed to each charged employee. It is in this respect that the disciplinary record presents a recurring difficulty.

*The jurisdiction of the Tribunal*

24. Before turning to the evidence, the objection to the jurisdiction exercised by the Tribunal must be settled.

25. Section 8(3) of the Act provides an appellate remedy against dismissal, removal or reduction in rank. Section 11 constitutes the Tribunal. Section 11(6) expressly provides that, for disposal of an appeal under the Act, the Tribunal shall have the same powers as are vested in a court of appeal by the Code of Civil Procedure, 1908 and may also stay the operation of the order appealed against. The statutory language is reproduced and examined by the Supreme Court in ***Sunil Sikri v. Guru Harkrishan Public School***.<sup>1</sup>

26. The School contends that the Tribunal exercises only supervisory jurisdiction under Section 11(6) of the DSEA, 1973, akin to judicial review by the High Court, and cannot sit in appeal over the factual findings of the disciplinary authority. That contention, stated so broadly, cannot be accepted.

27. ***Sunil Sikri*** settles the position. The Supreme Court drew a clear distinction between the Tribunal's jurisdiction to decide the statutory appeal against the penalty and the power specifically vested in the Managing Committee under Rule 121 to determine the pay and allowances payable for



the period of absence and whether that period is to be treated as spent on duty. In relation to the former, the Court expressly held that the Tribunal is required to examine the legality and correctness of the penalty and is “certainly entitled to act as an appellate body”. It may, therefore, examine the disciplinary action on its merits and conclude, where the record so warrants, that “no case is made out even on merits” for imposition of the penalty.

28. The Tribunal was, therefore, entitled to examine whether the findings returned in the domestic inquiry were sustainable on the material on record. Contrary to the School’s contention, its jurisdiction was not merely supervisory in nature. As a statutory appellate body, it was entitled to examine the evidentiary basis of the findings and assess their correctness on the merits.

*Evidence in a domestic inquiry*

29. In exercising its appellate jurisdiction, however, the Tribunal was required to assess the disciplinary proceedings keeping in view the principles governing domestic inquiries. Two such principles, both well settled, are sufficient for the present cases. Two principles, both well settled, are sufficient for the present cases.

30. First, strict and sophisticated rules of evidence do not govern a domestic inquiry. *State of Haryana v. Rattan Singh*,<sup>2</sup> remains the classic statement. Material which is logically probative to a prudent mind may be received, subject always to fair play, objectivity and a reasonable nexus between the material and the conclusion. Absence of any evidence in

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<sup>1</sup> (2022) 16 SCC 85.

<sup>2</sup> (1977) 2 SCC 491.



support of a finding, however, remains an error open to correction. The Supreme Court in its recent judgement in *Union of India v. Dalbir Singh*,<sup>3</sup> reiterated *Rattan Singh* in those terms.

31. Second, natural justice does not require that a witness who has made an earlier statement must repeat its contents word for word in the formal inquiry. In *State of Mysore v. Shivabasappa Shivappa Makapur*,<sup>4</sup> the Constitution Bench held that the purpose of examination in the presence of the charged employee is sufficiently achieved where the witness is recalled, the previous statement is put to and admitted by the witness, made known to the charged employee, and the witness is tendered for cross-examination. Insistence upon repetition of the earlier statement “word by word, and sentence by sentence” was regarded as a matter of form rather than substance.

32. The Tribunal was therefore in error wherever it treated the earlier statements of the School witnesses as “inadmissible” merely because their examination-in-chief was not freshly recorded in conventional form. In several inquiries, the Daily Order Sheets show that the witnesses acknowledged or adopted their earlier statements and were thereafter cross-examined. Such material could not be discarded en bloc.

33. The Tribunal was equally in error insofar as it treated the absence of a certificate under Section 65B of the Evidence Act as, by itself, fatal to the electronic material. The requirement of such a certificate as a condition precedent to the admissibility of a secondary electronic record applies in proceedings governed by the Evidence Act. A domestic inquiry stands on a

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<sup>3</sup> 2021 SCC OnLine SC 768.

<sup>4</sup> AIR 1963 SC 375.



different footing, where the strict rules of admissibility do not apply. The absence of a Section 65B certificate did not, therefore, without more, require the photographs or recordings to be excluded from consideration. The relaxation of the rules of admissibility does not, however, render questions of authenticity and reliability immaterial. The source of the material and its connection with the charged employee remain relevant to the weight that may be attached to it, particularly where its genuineness is specifically disputed. Such objections had to be examined on the record of each inquiry; the material could not be discarded merely for want of the statutory certificate.

34. The consequence is straightforward. Photographs and recordings could be considered, but only for what they rationally established. Identification of an employee may prove presence at the scene; it does not, without more, prove every act of misconduct attributed to the group. It is on this footing that the Tribunal's conclusions must be examined in these proceedings under Article 226.

35. In *Syed Yakoob v. K.S. Radhakrishnan*,<sup>5</sup> the Supreme Court explained that certiorari does not permit the High Court to reopen findings of fact on the ground that the evidence was insufficient or inadequate. Interference remains permissible where the Tribunal's decision is vitiated by an error of law, rests on no evidence, or otherwise suffers from a jurisdictional infirmity. *B.C. Chaturvedi v. Union of India*,<sup>6</sup> similarly reiterates that judicial review is not an appeal on the merits of the decision.

36. That leaves a narrower question for this Court. The errors in the

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<sup>5</sup> AIR 1964 SC 477.

<sup>6</sup> (1995) 6 SCC 749.



Tribunal's reasoning have to be corrected, but the result does not follow automatically. The School must still show that, on the record and applying the correct principles, the Tribunal could not lawfully have interfered with the orders of removal. Since the Tribunal was exercising statutory appellate jurisdiction, it is not enough to say that the Inquiry Officer's view was also a possible one.

*The evidence common to the August 2013 charges*

37. The principal charge in most of the inquiries was framed on the footing that 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> August, 2013 were normal working days and that the Respondents wilfully remained absent.

38. The record itself makes such a composite finding difficult to sustain.

39. The School informed parents on 1<sup>st</sup> August, 2013 that the School was being closed owing to unforeseen circumstances. Its own communication to the education authorities contemplated closure continuing on subsequent days. In Ms. Rinku Sehgal's inquiry, the Inquiry Officer expressly accepted that the School was closed on 2<sup>nd</sup> and 3<sup>rd</sup> August and held that there could consequently be no question of unauthorised absence on those dates. The finding against her on absence was confined to 1<sup>st</sup> August, 2013.

40. There is a further circumstance which cannot be brushed aside as a later allegation by the employees.

41. During Ms. Ranju Sharma's inquiry, the original teachers' attendance register for August, 2013 was produced. The Daily Order Sheet dated 17<sup>th</sup> April, 2014 records her objection that white correction fluid had been applied against the names of a number of teachers. The Inquiry Officer did not merely record the objection. He wrote:

*"I have personally verified this fact from the original teacher's*



*attendance register... ”*

42. The Presenting Officer responded that the fluid had been applied by the receptionist, Ms. Diksha Kalra.

43. The Court would not, on this material alone, go so far as to conclude that the management fabricated the attendance register. The reasons for the use of correction fluid, and the contents that may have existed beneath it, remain matters of dispute on the record. Nevertheless, the circumstance itself cannot be ignored. It emerged during the contemporaneous inquiry proceedings and was independently verified by the Inquiry Officer upon inspection of the original register. That fact significantly undermines any attempt to treat the attendance register as a complete and unimpeachable answer to the controversy.

44. The record did not admit of only one possible conclusion on that issue. There was material supporting the teachers' assertion that entry had been restricted, while the inquiry record itself reflects suspension of classes on 2<sup>nd</sup> and 3<sup>rd</sup> August, 2013 and uncertainty concerning the attendance of teachers on those dates. This Court need not decide which version is factually preferable. The Tribunal, exercising appellate jurisdiction, was entitled to assess that material, and its conclusion on the charge of wilful absence cannot be displaced merely because the School's witnesses supported a contrary account. The separate question of what each respondent is alleged to have done while outside the School must be examined independently.

45. In that state of the evidence, the mere fact that some members of the staff were able to enter could not establish that each charged employee deliberately remained outside despite being free to report for duty.



*The photographs, CDs and the problem of attribution*

46. Considerable arguments were also advanced in relation to the photographs and video material concerning the incidents of August 2013.

47. The affidavit filed by the Principal in August 2026 states that photographs had been supplied to the charged employees and gives references to the individual records. In some inquiries the CDs were also played during the proceedings; in the cases of Ms. Rinku Sehgal and Mr. Anil Ahuja, the video material was furnished with the Presenting Officer's brief.

48. The fact that some electronic material was introduced at a later stage was relevant to whether the charged employee had a fair opportunity to inspect and answer it. It did not, however, render the material incapable of consideration merely on that account. The Tribunal went too far insofar as it treated the timing of its introduction as determinative.

49. The more substantial question is not whether this material could be looked at, but what it established against each Respondent.

50. The School's affidavit filed in August 2026 cannot enlarge the evidence recorded in the disciplinary proceedings; it can only identify material which already formed part of them. It points, for instance, to DOS-8 in Mr. Ahuja's inquiry, where Mr. Gurdeep Manchanda is stated to have identified Mr. Ahuja and Ms. Rathore in the photographs, and to DOS-15 in Ms. Rathore's inquiry, where videographic material was displayed. In Mr. Ahuja's case, the Inquiry Report itself records that the photographs showed him at the protest and that Mr. Gurdeep Manchanda confirmed his involvement. That material could not simply be ignored. Its significance, however, must remain confined to what it was capable of establishing



against the employee concerned.

51. The position is not uniform across the Respondents. In Ms. Rinku Sehgal's case, the Inquiry Officer, while dealing with Charge 3, expressly recorded that none of the prosecution witnesses had named her as being involved in the agitation. The charge was nevertheless held proved on the basis of photographs and the CD which, according to the report, showed her amongst the agitating teachers. The August 2026 affidavit adds that the photographs formed part of the charge-sheet and that the CD accompanied the Presenting Officer's brief, but identifies no witness who attributed to Ms. Sehgal the several specific acts comprised in that charge.

52. The same difficulty is even clearer in relation to the writings alleged to have been made on the walls of the School. The Court had specifically required the School to indicate the evidence concerning their authorship. The affidavit responds by referring to photographs of the writings. A photograph may establish that a writing appeared on a wall; it does not establish who put it there. The affidavit identifies no witness or other material attributing those writings to any particular Respondent.

53. Nor can that gap be filled by annotations subsequently placed on the compilation of photographs handed over during the hearing. To the extent those annotations identify particular Respondents, they may assist in understanding the School's present case, but the annotations themselves were not evidence in the disciplinary proceedings. They cannot supply an identification or attribution which was not otherwise made there.

54. This is where the standard of proof assumes importance. Preponderance of probabilities is undoubtedly lower than proof beyond reasonable doubt, but it does not dispense with proof. There must still be a



rational evidentiary link between the employee and the misconduct found against him or her. Presence in a group may prove presence; it does not, without something further, prove every act attributed to that group. That is the issue which must now be examined in each case.

### ***The individual cases***

#### ***Rajni Maindiratta***

55. Ms. Maindiratta faced eight charges. The Inquiry Officer held Charges 1, 2, 3 and 5 proved; Charges 4 and 7 partly proved; and Charges 6 and 8 not proved. The disciplinary authority thereafter imposed removal under Rule 117(b)(iii).

56. The inquiry report itself illustrates the difficulty with some of the findings.

57. Charge 6 alleged that Ms. Maindiratta accused the management of kidnapping Ms. Sarita Singh and called the police. The Inquiry Officer recorded that the Presenting Officer did not examine the police officer, did not produce his report and did not examine Ms. Sarita Singh. The material obtained under the Right to Information Act did not disclose a call made by Ms. Maindiratta. The charge was consequently held not proved.

58. Charge 8 also failed for want of documentary or oral evidence.

59. Charge 7 is particularly instructive. It alleged that Ms. Maindiratta organised subsequent demonstrations, but no witness was produced in support of the charge. The Inquiry Officer himself noted that she was not visible in the photographs and that it was unclear whether she had organised the protest. Nevertheless, the charge was held partly proved on the reasoning that she “may have incited others” and that “her involvement cannot be ruled out”.



60. Such reasoning does not establish misconduct even on the standard of preponderance of probabilities. A finding that an employee's involvement "cannot be ruled out" reflects a possibility rather than a conclusion supported by evidence. The burden of establishing the charge could not be met by requiring the employee to exclude a merely speculative possibility of involvement.

61. Charge 4, concerning alleged defamatory material on social media and an alleged attempt to bribe the school authority, suffers from a related difficulty. Regarding the posts, the Inquiry Officer conceded that the actual author was never identified, but reasoned that because Ms. Maindiratta appeared in photographs, her involvement "cannot be negated." The bribery claim was left with no support after the CD intended to prove it was rejected for a lack of clarity. The finding thus converted a possibility of involvement into proof of misconduct, without the evidentiary link necessary to sustain that conclusion.

62. Charge 5, however, was broader than the material relied upon to prove it. There was material showing Ms. Maindiratta's presence and participation in the protest: SW-1 placed her outside the School and spoke of use of loudspeaker, while SW-4 referred to teachers, including her, raising slogans. The charge, however, went further and alleged stone-pelting, threats to visitors, defacement of School property and damage to a colleague's property. The Inquiry Report does not identify material attributing those acts to Ms. Maindiratta individually, yet held the charge proved in its entirety.

63. The Tribunal may have erred in treating parts of the School's evidence as inadmissible, but that error does not by itself justify restoration of the disciplinary decision. Once the material is considered on the correct



footing, the difficulty identified above remains: the several acts comprised in Charge 5 were not individually attributed to Ms. Maindiratta. The Tribunal's ultimate interference with the order of removal therefore does not call for correction under Article 226.

Anil Kumar Ahuja

64. Mr. Ahuja's inquiry involved six charges. Charges 1, 3 and 6 were held proved, Charge 4 partly proved, while Charges 2 and 5 failed.

65. Charges 1 and 3 arise from the events of August 2013 and present the same difficulty of individual attribution noticed above. The material establishes Mr. Ahuja's presence amongst the protesting teachers, but does not sufficiently connect him with the specific acts of stone-pelting, use of loudspeakers, damage to property or slogan-shouting alleged under Charge 3. This deficiency was also noticed by the Tribunal. Presence at the protest, without material connecting him to the particular acts alleged, was insufficient to sustain those findings. The belated production of the CDs may not, by itself, render them inadmissible merely because they were not formally proved in evidence. The fairness of their use, and the weight to be attached to them, nevertheless had to be assessed in light of the stage at which they were produced.

66. Charge 4, concerning subsequent demonstrations and an alleged SMS campaign, suffers from a similar difficulty. Apart from its objection to the CDs, the Tribunal noticed that SW5 had not seen Mr. Ahuja organising or conducting the street march and that the Vice-Principal's complaint to the police did not name him. These were relevant deficiencies in the evidence.

67. Charge 6 is distinct and therefore requires separate attention. It had two limbs: alleged operation of a chit fund amongst employees and private



tuition/coaching.

68. Ms. Sanjana Mehta, a School witness and herself a member of the financial arrangement, accepted in cross examination that all functions relating to what was described as the “chit fund” were conducted outside the School premises and did not affect the education of children. That answer materially qualifies the charge as framed.

69. As to private tuition, the Inquiry Officer drew an adverse inference from the evidence of Mr. Ahuja’s wife. She asserted that she was the person running a small tuition centre at their residence. The Inquiry Officer found her answers inconsistent and placed considerable reliance on her failure to produce the records which she had said she would produce. From this, and from Mr. Ahuja’s qualification in Mathematics, the report concluded that he himself was running the tuition centre.

70. There was perhaps material from which an inference could be attempted. The Court would therefore not describe Charge 6 as ‘no evidence’ finding. However, the Tribunal, sitting in statutory appeal, was not bound to accept the inference merely because the Inquiry Officer had drawn it. The School’s case on the financial arrangement was substantially weakened by its own witness, while the private tuition limb rested heavily upon an adverse inference drawn from the wife’s evidence rather than direct evidence of Mr. Ahuja teaching students.

71. The Tribunal’s reasoning therefore requires correction, but not in every respect. It was wrong to discard the School’s evidence on technical rules of admissibility. Its examination of the individual charges, however, disclosed a different difficulty. In relation to Charge 3, for example, it found that none of the School witnesses attributed to Mr. Ahuja the acts of stone-



pelting, use of loudspeakers, damage to property or the other aggravated conduct comprised in that charge. Charge 6 stood on a different footing and was supported by material specifically concerning Mr. Ahuja; it cannot be treated as a case of absence of evidence.

72. That distinction does not, however, warrant restoration of the order of removal. The Tribunal was exercising statutory appellate jurisdiction over the disciplinary decision as a whole and was entitled to examine the findings returned on the several charges. The fact that the material relating to Charge 6 stood on a different footing does not displace the difficulties identified in relation to the principal charges arising from the August and October incidents. The School has therefore not shown any ground warranting interference with the Tribunal's ultimate decision setting aside the removal.

*Rinku Sehgal*

73. Ms. Sehgal's case illustrates most clearly the distinction between evidence of a protest and proof of individual misconduct.

74. Charge 1 was held partly proved. The Inquiry Officer accepted that the School stood closed on 2<sup>nd</sup> and 3<sup>rd</sup> August, 2013 and therefore treated unauthorised absence only on 1<sup>st</sup> August as established. The remaining part of the charge, concerning agitation and obstruction, was sustained from photographs and CDs.

75. Charge 2, concerning the alleged kidnapping accusation, was not proved because none of the material connected Ms. Sehgal with the complaint.

76. This concession is important. The photographs may establish her presence if she is reliably identified in them. Their evidentiary value, however, must be confined to what they actually depict and cannot extend to



acts not discernible from them. Thus, even if Ms. Sehgal's presence at the protest is accepted, it does not by itself establish that she threw stones, threatened visitors, damaged property or committed the other specific acts attributed to the group.

77. Charge 4 was itself held only partly proved. The Inquiry Officer recorded that it had not been established that the SMS relied upon by the School originated from Ms. Sehgal. Charge 5 was held proved on the basis that the School produced a pre-typed paper and, therefore, the allegation that teachers had been asked to sign a blank paper was incorrect. No prosecution witness was examined on that charge. More importantly, the finding did not address the further question whether Ms. Sehgal's complaint was knowingly or recklessly false. The mere failure of an employee to establish a grievance cannot, without that further element, convert the grievance itself into misconduct. Charges 6 and 7 were not proved.

78. Charge 3 presents a more significant difficulty. It alleged, inter alia, stone-pelting, abusive language, obstruction of entry and damage to property. The Inquiry Officer expressly recorded that none of the School witnesses had named Ms. Sehgal in relation to the agitation, but nevertheless held the charge proved on the basis of photographs and the CD showing her amongst the protesting teachers. While that material could establish her presence and participation, it did not connect her individually with the several acts of serious misconduct alleged in the charge.

79. The Tribunal's ultimate decision to interfere with the order of removal therefore does not warrant correction under Article 226.

Neelam Rathore

80. Ms. Rathore's case requires some care because the record contains



evidence identifying her more directly than in Ms. Sehgal's case.

81. Eleven charges were framed. Charges 1 to 7 were held proved.

82. The first charge, however, again proceeds on the premise that 1<sup>st</sup> to 3<sup>rd</sup> August were normal working days. That premise cannot be reconciled without qualification with the School's own closure communications and the treatment of those dates in the other inquiry records.

83. Ms. Rathore also asserted in her defence that, after teachers were allowed to mark attendance, the register was recalled when they declined to sign a pre-typed statement and that she later found white correction fluid applied over the entries where she had marked attendance. Standing alone, that would remain an assertion by the charged employee. It assumes greater significance because the application of white fluid on the original attendance register was independently verified by the Inquiry Officer in Ms. Ranju Sharma's proceedings.

84. Charge 2 included an allegation that Ms. Rathore had accused the management of kidnapping Ms. Sarita Singh and called the police. The Inquiry Officer relied on the fact that the police had investigated such an allegation, but proceeded from there to conclude that Ms. Rathore was "instrumental" in making it, without identifying the material connecting her to the allegation. The Tribunal also noticed that Ms. Sarita Singh did not attribute the complaint to Ms. Rathore and that the police material did not establish such attribution. The difficulty, therefore, is not one of technical admissibility, but of the absence of evidence linking Ms. Rathore individually to the alleged act.

85. Some later charges stand on firmer evidentiary footing. There was material regarding the CATS ambulance incident and witnesses who named



Ms. Rathore. The School's later affidavit also states that photographic and videographic material showed her participating in and leading a protest. Those matters could legitimately be taken into account.

86. Ms. Rathore's case is therefore not one where the disciplinary findings rested entirely upon her presence in a group. There was material specifically identifying her with aspects of the protest, particularly under Charge 3. At the same time, other findings rested upon distinctly weaker links. Charge 2 attributed to her the allegation of kidnapping although the material relied upon referred generally to a complaint by the protesting teachers and to Ms. Sarita Singh having been questioned by the police. Charge 4 proceeded further still, drawing an adverse inference from the calling of a CATS ambulance and the circumstance that Ms. Rathore's husband was employed with CATS.

87. The significance of these features is that even Charge 3, on which the School places considerable reliance, was an omnibus charge. The material noticed by the Inquiry Officer could support findings that Ms. Rathore was present at the protest and was seen with a loudspeaker. The charge, however, also attributed to her stone-pelting, threats to visitors, defacement and damage to property, obstruction of the gates and involvement of political workers and students. Those allegations were held proved, without a corresponding identification of the material connecting Ms. Rathore individually with each of them. Charges 2 and 4 disclose similar hypothetical inferences. The Tribunal, exercising statutory appellate jurisdiction, was entitled to examine whether the findings travelled beyond what the record reasonably established. In these proceedings under Article 226, the Court is not called upon to substitute its own assessment merely



because parts of the record were capable of supporting some of the findings returned by the Inquiry Officer. Once the Tribunal's erroneous approach to admissibility is corrected, the deficiencies in individual attribution and in the inferential basis of several findings nevertheless remain. Its ultimate decision setting aside the order of removal therefore does not warrant interference.

Ranju Sharma

88. Ms. Sharma was proceeded against on eight charges. The inquiry report describes all of them as substantially proved.

89. Here, the attendance record assumes particular importance. It was in Ms. Sharma's inquiry that the original register was produced and the Inquiry Officer personally verified application of white fluid against the names of several teachers. The Presenting Officer's response was not that there was no correction fluid, but that it had been applied by the receptionist.

90. More troubling is the reasoning employed in relation to the serious charge concerning stone pelting, abusive slogans, obstruction, political involvement and damage. After referring to the presence of teachers and to the CDs, the inquiry report records that Ms. Sharma had failed to produce evidence or proof "in her favour to counter the Charge" and then treats the several acts contained in the article as proved against her.

91. The charged employee's inability to establish innocence could not relieve the School of proving the misconduct alleged. A disciplinary inquiry applies a preponderance standard, but the evidential burden of establishing the charge remains with the employer.

92. Charges 7 present another difficulty. Charge 7 alleged that funds collected through the Vidya Bharati Teachers Welfare Association were



being used for anti-School activities and involved financial irregularities. The Inquiry Officer treated Ms. Sharma's position as President of the Association and the documentary material concerning its bank account as sufficient to hold that she had collected the funds and that their use for anti-School activities stood *ipso facto* proved, although no witness was examined to establish such misuse. Charge 8 concerned Ms. Sharma's allegation that the Chairman had threatened her, including with physical harm through goons. Here too, the Inquiry Officer treated the mere fact that Ms. Sharma had made the allegation as sufficient to hold the charge proved, without recording a finding that the allegation itself was false or fabricated.

93. A grievance made by an employee does not become misconduct merely because the employee fails subsequently to prove it. To establish a charge founded on a false accusation, the inquiry must cross the further distance between "not established" and "knowingly or recklessly false". Those are not equivalent propositions.

94. The Tribunal's blanket approach to the evidentiary record was again legally imprecise. But the underlying disciplinary findings contain errors of a more fundamental nature, including reversal of the evidential burden and attribution of collective conduct without an adequate individual foundation. The writ petition concerning Ms. Sharma therefore cannot succeed.

Anjali Chugh

95. Ms. Chugh's case must not be disposed of merely by attaching it to the five earlier cases. Her charge sheet was issued in 2015, her inquiry continued separately, approval of the proposed penalty was obtained from the Directorate and the removal order was passed on 18<sup>th</sup> January, 2018. Several of her charges were also personal to her.



96. The Tribunal found fault with the changes in the composition of the Disciplinary Action Committee, observing that they had been made without approval of the competent authority or corresponding minutes of the Managing Committee. Rule 118, however, prescribes the composition of the disciplinary committee; it does not, by itself, require separate approval each time there is a change in its membership. The relevant question was whether the Committee, as constituted when it took the material decisions, comprised the persons contemplated by Rule 118. The Tribunal does not identify any deficiency in that respect merely from the change in names. This objection must be distinguished from the statutory approval required for imposition of the major penalty, which was expressly accorded by the Directorate of Education on 15<sup>th</sup> January, 2018 before the order of removal was passed. The Tribunal's conclusion cannot, therefore, be sustained on the ground that the requisite approval was absent.

97. The Court is also unable to endorse the Tribunal's reliance on the absence of a certificate under Section 65B of the Evidence Act as an infirmity in the photographic material. For the reasons already discussed, such a technical requirement of admissibility could not be imported into a domestic inquiry.

98. Nor is the Tribunal's finding of double punishment sustainable on the material presently before the Court. It assumed that Ms. Chugh's increment had earlier been stopped. The material shown to this Court does not establish such an order against her. That part of paragraph 61 of the Tribunal decision cannot be affirmed.

99. These corrections, however, do not conclude the writ petition in favour of the School.



100. Charges 4, 5 and 6 concern the common events of August and October 2013. Charge 4 alleged absence from 1<sup>st</sup> to 3<sup>rd</sup> August; Charge 5 alleged participation in the illegal strike and use of abusive and unparliamentary language; Charge 6 concerned the later demonstrations. They suffer from the same necessity for individual attribution already discussed in the connected matters.

101. There was some individual material against Ms. Chugh. The School points to a witness identifying her outside the gate. Presence and participation may thus be capable of proof. But the charge travelled further and attributed abusive language and serious misconduct to her. The disciplinary conclusion again treated the collective occurrence as establishing the several acts charged against the individual.

102. Charges 1 to 3 require separate treatment. Charge 1 contains allegations of refusal to accept show cause notices and class observation reports, remarks written against circulars, withdrawal or cutting of a signature from an office order and complaints made to educational authorities. Charge 2 concerned allegations made by Ms. Chugh against the School, including use of School funds and provident fund contributions, and was itself held only partly proved.

103. Charge 3 is of an altogether different character. It concerns repeated errors while writing the gist and objectives of lessons in the teacher's diary despite earlier advice from the Principal and Vice Principal. The Inquiry Officer held it proved.

104. The Court is unable to accept the contention that each of these findings was devoid of evidentiary support. A school is entitled to enforce administrative discipline, ensure proper maintenance of records, and require



compliance with reasonable directions issued in the course of its functioning.

105. At the same time, the disciplinary action against Ms. Chugh did not rest only on Charges 1 to 3. The eventual order also relied upon the findings concerning the common events of August and October 2013 and characterised her misconduct, *inter alia*, as participation in an illegal strike, breach of discipline and absence from School. Those findings suffer from the difficulties of individual attribution already noticed above.

106. Ms. Chugh's case therefore stands somewhat differently. Charges 1 to 3 were not founded merely on her association with the protesting group; they concerned her own dealings with the School authorities and her work as a teacher, and there was material specifically relating to those allegations. Nor can the material concerning the later demonstration under Charge 6 be rejected merely on technical rules of admissibility. The difficulty lies elsewhere. Charges 4 and 5, which formed a substantial part of the disciplinary case, arose from the events of 1<sup>st</sup> to 3<sup>rd</sup> August, 2013. As regards those charges, the Tribunal noticed that the School witness relied upon spoke generally of teachers remaining outside the gate and raising slogans, without attributing the alleged abusive language or other specific conduct to Ms. Chugh. The Disciplinary Authority nevertheless proceeded on the Inquiry Officer's composite conclusion that Charges 1, 3, 4, 5 and 6 stood proved and Charge 2 stood partly proved, and selected the penalty of removal "keeping in view the gravity of charges proved" collectively. The penalty was thus not founded upon a separate determination that any one of the individualized charges, standing by itself, warranted removal.

107. The legal errors in the Tribunal's reasoning must therefore be



corrected, but they do not require restoration of the order of removal. The School has shown that some of the disciplinary findings had an evidentiary basis; it has not shown that the Tribunal's ultimate appellate decision was thereby rendered perverse or unavailable in law. Its direction setting aside Ms. Chugh's removal therefore does not warrant interference.

*The earlier stoppage of increments and "double punishment"*

108. Since the Tribunal placed considerable reliance upon this aspect in the first five cases, it requires a separate conclusion.

109. The School Managing Committee had resolved to deduct three days' salary on the principle of "no work no pay" and to stop the increments of identified teachers on an ad hoc basis. The Tribunal treated the subsequent removal as a second punishment for the same misconduct and used this as an independent reason to set it aside. An illustration appears in the Tribunal order concerning Mr. Ahuja.

110. The Court is unable to sustain that reasoning in its present form. The record contains a payment voucher dated 26<sup>th</sup> March, 2014 showing payment of arrears consequent upon restoration of the increment for the period July 2013 to February 2014 to Ms. Maindiratta, Ms. Sehgal, Mr. Ahuja, Ms. Sharma, Mr. Mukesh Panwar and Ms. Rathore. Once an increment initially withheld on an ad hoc basis was subsequently restored with arrears, it could no longer be treated as an earlier subsisting penalty which continued to operate unchanged. Its later restoration materially alters the premise on which the Tribunal proceeded and requires the legal effect of that earlier action to be examined in that light.

111. Similarly, the three days' deduction was expressly described by the School as an application of "no work no pay". The Tribunal did not examine



why that consequence should, without more, be treated as one of the disciplinary penalties contemplated under Rule 117 so as to exhaust the power to proceed against distinct acts of misconduct.

112. The present judgment, therefore, does not sustain the orders of the Tribunal on the doctrine of double punishment. That conclusion, however, does not alter the result for the reasons independently recorded above.

*The cumulative position*

113. At this stage, it is useful to be clear about what has and has not been decided.

114. The Court has not accepted the Tribunal's view that the evidence adduced in the disciplinary inquiries became inadmissible merely because earlier statements were adopted as examination-in-chief.

115. Nor has the Court accepted that the absence of a certificate under Section 65B of the Evidence Act, by itself, rendered the electronic material incapable of consideration in a domestic inquiry.

116. The Court has also not concluded that the earlier punishment of stoppage of increments, on the record as it presently stands, necessarily precluded the initiation of subsequent disciplinary proceedings.

117. Equally, the Court has neither held that the Respondents did not participate in the protests nor questioned the School's authority to take disciplinary action against employees whose individual conduct amounted to abandonment of duty, obstruction of the functioning of the School or breach of the applicable Code of Conduct.

118. The difficulty lies elsewhere. The School's own affidavit of August 2026 accepts that approximately fifty teachers participated in the protest, but states that proceedings were initiated only against those whose individual



roles were considered more serious. Mere presence or sympathy with the grievances raised was, by the School's own account, not sufficient. Its case therefore required the disciplinary record to establish what distinguished each charged employee from the larger body of teachers.

119. As the discussion above demonstrates, the evidence does not consistently make out that distinction. In several instances, presence at the protest was established without corresponding material attributing the specific acts alleged. Some findings proceeded on formulations such as "may have" participated or that involvement "cannot be ruled out"; others placed upon the employee the burden of disproving the allegation. The central difficulty is thus not the absence of evidence of a protest, but the gap between collective participation and proof of the particular misconduct attributed to the employee concerned.

120. This distinction assumes particular significance because the charges went considerably beyond participation in a protest and included allegations of stone-pelting, abusive language, obstruction, damage to property and other serious misconduct. The allegation of stone-pelting is illustrative. Mr. Sube Singh, the School bus driver, stated that stones were thrown from the crowd and that one struck him, but acknowledged in cross-examination that he had not seen who threw them and could not identify any of the charged employees as having done so. The occurrence of an incident could not, without the necessary link, establish the individual responsibility of a particular employee for it.

121. The record also raised material questions concerning the attendance register, the closure of the School on dates described in the charge-sheets as normal working days, and the stage at which parts of the electronic material



were produced. These matters, together with the deficiencies in individual attribution noticed above, were relevant to the sustainability of the disciplinary findings.

122. The Tribunal was entitled, in exercise of its appellate jurisdiction, to examine the disciplinary findings on these matters. As already noted, aspects of its reasoning on the treatment of evidence were erroneous and cannot be endorsed. Those errors, however, do not by themselves displace its ultimate conclusion where the underlying deficiencies in the disciplinary findings remain.

123. In exercise of certiorari jurisdiction, this Court is not called upon to rehear the statutory appeals merely because parts of the Tribunal's reasoning require correction. Having examined the record in the manner set out above, the Court finds no ground warranting interference with the Tribunal's ultimate conclusion setting aside the orders of removal.

*No Remand or Fresh Inquiry*

124. The School has alternatively urged that the matters be remitted to the Tribunal for a fresh consideration of the disciplinary record. The Court is unable to accede to that request.

125. The events in question are now more than a decade old. The alleged misconduct dates back to 2013; the orders of removal in the first five cases were passed between 2014 and 2015, and the corresponding appeals were decided by the Tribunal in 2017. These writ petitions have remained pending before this Court thereafter, during which the inquiry records, written submissions and additional material have been examined in considerable detail over successive hearings. Even in the sixth case, the order of removal was passed in 2018 and the Tribunal rendered its decision



in 2025.

126. In these circumstances, a remand would serve no useful purpose and would merely prolong disputes that have already traversed multiple stages of adjudication and remained unresolved for several years. Having independently examined the record and found no basis to interfere with the Tribunal's conclusions, the Court sees no justification for either restoring the orders of removal or directing a fresh inquiry at this stage.

127. Nor is this a case in which liberty for a fresh domestic inquiry on the same allegations should be reserved. Rule 115(4) itself permits a further inquiry after a penalty is set aside only where the earlier order has been set aside purely on technical grounds without entering the merits. The Supreme Court has noticed that limitation in *Sunil Sikri*.

128. The present decision is not based on a technical defect alone. It examines the evidentiary foundation of the disciplinary findings. The proviso to Rule 115(4) therefore has no application.

*Consequential relief and Rule 121*

129. The remaining question concerns the financial consequences of reinstatement. Considerable sums are now claimed by the Respondents and, pursuant to the order dated 29<sup>th</sup> July, 2026, they have filed computations extending over the years during which these writ petitions remained pending.

130. The Tribunal's directions in the first five appeals were framed in two distinct parts. The Tribunal directed reinstatement, within one month, and expressly held that the employee would be entitled to full wages from the date of its order, together with consequential benefits. It separately left the claim for wages for the preceding period to the Managing Committee under



Rule 121 of the Delhi School Education Rules, 1973, requiring the employee to submit a representation and the School to decide it by a speaking order.

131. That distinction is legally significant. The Tribunal did not subject the entire monetary consequence of reinstatement to Rule 121. It treated the period preceding its order as one requiring determination under the Rule, while granting wages prospectively from the date on which the removal was set aside and reinstatement was directed.

132. Events thereafter took a different course. The School challenged the Tribunal's orders before this Court and reinstatement did not take effect during the pendency of these petitions. In W.P.(C) 5138/2017, W.P.(C) 6159/2017, W.P.(C) 8208/2017 and W.P.(C) 8231/2017, the respective Tribunal orders were stayed. In W.P.(C) 6111/2017, the employee undertook not to press the execution proceedings pursuant to the arrangement recorded by this Court. In W.P.(C) 13994/2025, the direction for reinstatement was stayed having regard to the orders operating in the connected matters and the fact that Ms. Chugh had not resumed duties since her suspension. None of the Respondents was, therefore, reinstated pursuant to the Tribunal's orders.

133. The consequence of this intervening litigation must be worked out having regard both to Rule 121 and to the decisions of this Court.

134. Rule 121 requires the Managing Committee, when an employee dismissed, removed or compulsorily retired from service is reinstated as a result of an appeal, to make a specific order as to the salary and allowances payable for the period of absence, including the preceding period of suspension, and as to whether that period is to be treated as spent on duty. Where the employee is found to have been fully exonerated, sub-rule (2) provides for full salary and allowances, subject to its proviso concerning



delay directly attributable to the employee.

135. In *Sunil Sikri v. Guru Harkrishan Public School & Anr.*, the Supreme Court considered the power to award back wages for the period preceding reinstatement and its interaction with Rule 121. It held that the authority conferred upon the Managing Committee under Rule 121 is a “power coupled with duty” and that, once the occasion contemplated by the Rule arises, the Managing Committee is obliged to undertake that exercise upon consideration of the relevant material.

136. A distinct question arose in subsequent proceedings emanating from the same dispute. In *The Management of Guru Harkrishan Public School & Ors. v. Sunil Sikri & Anr.*,<sup>7</sup> the Division Bench of this Court considered the entitlement to wages for the intervening period between the Tribunal’s order directing reinstatement and actual reinstatement, during which its implementation had remained stayed at the School’s instance. The Division Bench held that this period falls outside Rule 121 and that the consequences of the interim order could not be controlled by that provision. It further observed that an employee could not be denied the benefit of an order of reinstatement merely because its implementation had remained stalled under an interim order obtained by the employer, the grant of stay being subject to the final outcome of the proceedings.

137. The position in the five appeals decided in 2017 is therefore clear. In the first five appeals, the Tribunal expressly awarded full wages from the date of its respective orders and left the claim for the preceding period to be determined by the Managing Committee under Rule 121. Ms. Chugh’s order

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<sup>7</sup> 2024:DHC:7261-DB. The Special Leave Petition against this decision, SLP(C) No. 27221/2024, was dismissed by the Supreme Court on 10<sup>th</sup> February, 2025, while keeping the question of law open for



was differently worded: it directed reinstatement within one month with consequential benefits, while separately leaving the claim for back wages to be considered under Rule 121. This difference does not alter the principle applicable to the present cases.

138. The School's challenge to the direction for reinstatement has now failed. The interim orders and arrangements under which reinstatement remained in abeyance cannot convert the subsequent period into a fresh claim under Rule 121 or deprive the Respondents of the monetary consequence expressly granted by the Tribunal. Accordingly, Rule 121 will govern the period preceding the respective orders of the Tribunal. The period thereafter, during which reinstatement remained unimplemented on account of the proceedings before this Court, falls outside the scope of Rule 121 and the monetary consequences must follow the respective directions of the Tribunal, as sustained by this judgment.

139. The computations filed by the Respondents pursuant to the order dated 29<sup>th</sup> July, 2026 must be understood accordingly. They are claims and the figures stated therein have not been adjudicated by this Court. For the period preceding the respective orders of the Tribunal, they shall be considered by the Managing Committee in accordance with Rule 121. For the period thereafter, the exercise is one of computation and verification of the monetary benefits flowing from the reinstatement directions as sustained by this judgment, subject to proper pay fixation, statutory deductions and adjustment of amounts, if any, already paid for the same period. Entitlement for the latter period shall not be reopened in proceedings under Rule 121.

140. The School's plea that payment of the amounts claimed may impose a

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consideration in an appropriate case.



substantial financial burden upon it, having regard to its fee structure and the number of students admitted from economically weaker sections, does not alter the legal position. Financial difficulty cannot enlarge the reach of Rule 121 or diminish an entitlement which flows from a reinstatement order that has ultimately survived judicial scrutiny. The amounts actually payable will, of course, depend upon the statutory determination and computation contemplated above.

*Directions*

141. In view of the above, the petitions are disposed of in the following terms:

- (a) The challenge to the orders of the Delhi School Tribunal insofar as they set aside the respective orders of removal of Ms. Rajni Maindiratta, Mr. Anil Kumar Ahuja, Ms. Rinku Sehgal, Ms. Neelam Rathore, Ms. Ranju Sharma and Ms. Anjali Chugh is rejected.
- (b) The directions for reinstatement are affirmed.
- (c) The School shall reinstate each Respondent who has not attained the age of superannuation within four weeks from today. From the date of actual reinstatement, the employee shall be paid the salary and allowances lawfully attached to the post, subject to the applicable pay fixation and service rules.
- (d) Where any Respondent has attained the age of superannuation during the pendency of these proceedings, actual reinstatement shall not be required. The monetary and service consequences shall instead be worked out up to the date of superannuation in accordance with the directions which follow, and the consequential retiral benefits shall be refixed on that basis.
- (e) The salary and allowances payable for the period preceding the respective orders of the Tribunal, including the period of suspension



preceding removal, and the question whether that period is to be treated as spent on duty, shall be determined by the Managing Committee under Rule 121 of the Delhi School Education Rules, 1973.

(f) For the period commencing from the date of the respective Tribunal orders until actual reinstatement, or until superannuation where applicable, the Respondents shall be entitled to the full wages and consequential benefits directed by the Tribunal. This period shall not form part of the determination under Rule 121.

(g) The computations already filed by the Respondents pursuant to the order dated 29<sup>th</sup> July, 2026 shall be treated, insofar as they concern the period governed by Rule 121, as their representations under that Rule. Each Respondent may, within two weeks, supplement the same with material relevant to the Rule 121 determination, including particulars of gainful employment, if any, during that period.

(h) The Managing Committee shall give each Respondent a reasonable opportunity of hearing and pass a separate, reasoned order under Rule 121(1)(a) and (b). The exercise shall be completed within eight weeks from today.

(i) The Respondents may, within two weeks, furnish separate computations for the post-Tribunal period falling outside Rule 121. The School shall verify the same on the basis of the applicable pay scales, increments, allowances and other consequential benefits and communicate the computation so arrived at to the respective Respondent. The amount payable shall be released within six weeks from today, after statutory deductions and adjustment of any amount already paid for the same period. In the event the amount is not released within the aforesaid period, it shall



carry interest at the rate of 6% per annum from the expiry of six weeks till the date of its actual release.

(j) The interim orders and arrangements pursuant to which reinstatement remained stayed, or execution of the Tribunal orders remained unpressed, shall not be treated as extinguishing or reducing the entitlement for the post-Tribunal period. Those arrangements were subject to the final outcome of these petitions and shall cease to have effect with their disposal.

(k) While undertaking the Rule 121 exercise, the Managing Committee shall treat the findings and conclusions in this judgment as final for the disciplinary proceedings in question. Rule 121 cannot be used to reopen the charges or to undertake another adjudication of the validity of the removal orders.

(l) Any amount found payable for the period governed by Rule 121 shall be released within four weeks from the respective speaking order, after adjustment of subsistence allowance or any other amount already paid for the same period.

(m) No fresh inquiry shall be commenced on the charges which formed the subject matter of the removal orders considered in these petitions.

142. The interim arrangements/ orders operating in the connected petitions shall stand vacated. All pending applications also stand disposed of.

143. The writ petitions are disposed of in the above terms.

**SANJEEV NARULA, J**

**AUGUST 17, 2026/hc**