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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 973/2025 & CM APPL. 4797/2025

NAVEEN CHANDRA JOSHI

.....Petitioner

Through: Mr. Pankaj Sinha, Mr. Tariq Adib,
Mr. Sunil Kumar Tiwari,
Advocates.

versus

THE INSTITUTION FOR THE BLIND (ANDH VIDYALAYA)
AND ORS.

.....Respondents

Through: Mr. Vikas Gautam, Advocate for
R-1 and 3.
Mr. Yeeshu Jain, ASC with Ms.
Jyoti Tyagi, Advocate for R-4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

09.04.2025

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1. The petitioner has filed this writ petition under Article 226 of the Constitution, challenging an order of suspension dated 05.08.2024, by which respondent No. 1 – School has suspended him from the post of Music teacher.
2. A controversy had arisen in the course of hearing, as to whether the respondent-School, in fact, was recognised by Directorate of Education [“DoE”] or not. DoE had originally filed an affidavit dated 18.03.2025 stating that the respondent-School is an unaided and unrecognised private school, and therefore does not fall within the purview of the Delhi School



Education Act and Rules, 1973, leaving the relationship between the respondent-School and its employees to be governed only by contract. By order dated 19.03.2025, the Director of Education was directed to confirm, by way of a personal affidavit, as to whether the stand taken by DoE was correct, particularly having regard to the Division Bench judgment of this Court in *Social Jurist, Civil Rights Group v. GNCT & Ors.* [2008 SCC OnLine Del 176]. The Director of Education has now filed an affidavit dated 27.03.2025, in which DoE's position has been reversed. The stand now taken is that the respondent-School required recognition, which it lacks.

3. Be that as it may, the aforesaid issue does not require conclusive adjudication in this writ petition as Mr. Vikas Gautam, learned counsel for the respondent-School, submits that the impugned suspension letter will stand withdrawn immediately, reserving liberty of respondent-School to take any action against the petitioner as it considers necessary in accordance with law, including obtaining any approval as may be necessary from DoE.

4. In view of the fact that the respondent-School has withdrawn the suspension order, the relief sought in this writ petition stands satisfied.

5. It is contended by Mr. Pankaj Sinha, learned counsel for the petitioner, that during the period of suspension, the petitioner has received subsistence allowance, but now is entitled to his full salary for the whole period of suspension. Mr. Gautam submits that subsistence allowance, has, in fact, been paid, equivalent to the petitioner's full salary. The School is directed to compute the amount of salary payable to the petitioner for the purported period of suspension, and if any balance is



due on this account, then release the same to him within six weeks from today.

6. A copy of the computation will also be forwarded to the Deputy Director, DoE. If the petitioner disputes the computation, he may also file his computation before the Deputy Director, DoE, who will take an appropriate decision within four weeks thereafter. In the event DoE seeks any document from the School or the petitioner, the documents be provided by the concerned party.

7. It is made clear that the entire period of suspension pursuant to the impugned order dated 05.08.2024 is to be treated as period in service. If the respondent-School decides to take any action against the petitioner on the same cause of action, it may do so in accordance with law, subject to the rights and remedies of the petitioner. However, the initiation of such action will not come in the way of the arrears being paid to the petitioner.

8. The writ petition, alongwith the pending application, is disposed of in the aforesaid terms.

9. Copy of this order be given *dasti* under the signature of Court Master.

PRATEEK JALAN, J

APRIL 9, 2025

“Bhupi/AD”/