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

+ **CONT.CAS(C) 289/2024CM APPL. 9963/2024**

SUMIT TANDON

.....Petitioner

Through: Mr. Ankit Gupta, Mr. Anmol Gupta
with petitioner in person.

versus

PRADEEP YADAV & ANR.

.....Respondent

Through: Mr. Akshit Sachdeva and Mr. Arun
Kumar with respondent in person for
R-1.
Mr. Yeeshu Jain ASC with Ms. Jyoti
Tyagi Adv for R-2.

2+ **CONT.CAS(C) 291/2024CM APPL. 10089/2024 CM APPL.**

13400/2025

GAURAV SHARMA

.....Petitioner

Through: Mr. Ankit Gupta, Mr. Anmol Gupta
with petitioner in person.

versus

PRADEEP YADAV & ANR.

.....Respondent

Through: Mr. Akshit Sachdeva and Mr. Arun
Kumar with respondent in person for
R-1
Mr. Yeeshu Jain ASC with Ms. Jyoti
Tyagi Adv for R-2

3+ **CONT.CAS(C) 859/2024CM APPL. 30556/2024**

CHIRANJEEV SARKAR

.....Petitioner

Through: Mr. Neeraj Bhardwaj and Mr.
Pushpender Kaushik, Advs.

versus

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MANAGEMENT OF RAO MOHAR SINGH MEMORIAL SENIOR
SCHOOL & ANR.Respondent

Through: Mr. Akshit Sachdeva and Mr. Arun
Kumar with respondent in person for
R-1
Mr. Yeeshu Jain ASC with Ms. Jyoti
Tyagi Adv for R-2

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
30.04.2025

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1. The issue concerns compliance of orders passed by Division Bench of this Court on 06th November 2023 in **LPA No. 114/2018**; the relevant paragraphs are extracted as under:

19. We therefore uphold the impugned order and direct reinstatement of Respondents against existing vacancies, if any, within a period of six weeks from today. In the event no vacancies subsist, the Respondents shall be accommodated against the immediate next available slot of vacancies. The DoE is directed to oversee this process and ensure that the Respondents are duly reinstated in service. Insofar as back wages are concerned, the Respondents are permitted to approach the School in terms of Rule 121 of the DSER, which shall be decided by the School *via* a speaking order.

2. Challenge by management before the Supreme Court in SLP *vide* diary no. 12084/2024 was dismissed by Supreme Court on 10th April 2024.

3. Regards compliance, two issues were raised.

4. **Firstly**, reinstatement of respondent against the existing vacancies, to which the management states that there are no existing vacancies as of now.

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This communication by management was also sent to DoE, since they were directed to oversee this process. There is currently no information from the side of the management, as to when the vacancies shall arise.

5. It is stated by counsel for respondent that petitioners were serving as *PGT Math*, *PGT Computer Science* and *PGT Chemistry* and currently there are 80 students in total in science stream and therefore, there are no existing vacancies.

6. It is further stated, that the situation, if no vacancies subsist, was taken care of in the Division Bench order, which is extracted above.

7. The immediate next slot of vacancies will be informed by respondent no.1 in a written communication to the DoE, with copy to counsel for petitioner, in order that there is complete transparency in this regard.

8. Notwithstanding, the proposed vacancies, counsel for respondent states that for any other reason if the vacancy arises, against which the petitioners can be reinstated, they shall immediately inform the petitioners/counsel for petitioners and the DoE.

9. In fact, one such situation as per the counsel for petitioner arose in January 2024, when advertisement was issued *inter alia* for *TGT Math*.

10. Counsel for petitioner states, that the concerned petitioner who is qualified as *PGT Science* could have been reinstated for that purpose, since PGT can qualify for a TGT position.

11. Notwithstanding, at this stage, the directions as stated above will be followed by respondents.

12. **Secondly**, as far as the back wages are concerned, the respondent was to approach the school in terms of *Rule 121 of DSER (The Delhi Education Rules, 1973)*.

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13. Respondent's counsel, states on instructions, that petitioner sent them a calculation sheet based on which, the decision of rejection was on 08th January 2025.

14. Counsel for petitioner states that there was no proper representation by petitioner and that the Managing Committee took up the matter in its meeting dated 04th December 2024 and then addressed the communication on 09th December 2024 to the petitioner, which was duly received, however, no response nor representation was received.

15. Another opportunity was given through meeting dated 26th December 2024, and a communication was sent on the same day and duly received by petitioner, but again, there was no response. The said demand was, therefore, rejected on 08th January 2025.

16. Counsel for petitioner refutes the same and says that representation had been sent and there was nothing else which was required in terms of the procedure required under *Rule 121 of DSER*, for the Managing Committee to have dismissed their plea.

17. In this regard, it has been agreed, that the petitioner shall file a fresh composite representation within the next week with the management (*respondent no.1*) which shall decide the said representation, keeping into account the procedure which is to be followed and, as contended by petitioner, account for decision of the Supreme Court *inter alia* in ***Sunil Sikri v Guru Harkrishan Public School*** (2022) 16 SCC 85.

18. The decision shall be taken in two weeks and communicated through written communication to the petitioner within one week thereafter.

19. The petitioner will be at liberty to approach the Competent Court to challenge the decision, if any, made by management committee (*respondent*

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no.1) in this regard.

20. The DoE shall be kept informed regarding each of the steps which are being taken, considering the directions passed by the Division Bench of this Court on 06th November 2023, for them to oversee this issue.

21. Respondent no.1 is present in Court pursuant to directions passed previously.

22. Counsel for respondent at this stage also states that advertisement was issued in January 2024 only for session 2024-2025 as a stop gap arrangement and was not to fill a regular vacancy.

23. Accordingly, Contempt Petition is disposed of with above directions.

24. Liberty is given to petitioner to revive the petition in case there is continued infraction by respondent.

25. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 30, 202/RK/na

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