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

+ W.P.(C) 3344/2025

GURMEET KAUR

.....Petitioner

Through: Mr. Parvinder Singh G., Advocate.

versus

DEPARTMENT OF EDUCATION AND ORS.Respondents

Through: Mr. Naushad Ahmed Khan, Ms.
Supriya Malik, Advocates for DoE.
Mr. Abinash K. Mishra, Advocate
for R-2 to 5.

+ W.P.(C) 2609/2025

TEJ PRATAP SINGH

.....Petitioner

Through: Mr. Rashid Azan, Mr. Anil Kumar
Yadav, Ms. Afsaz Bano,
Advocates.

versus

GURU HARKRISHAN SINGH PUBLIC SCHOOL
AND ANR

.....Respondents

Through: Mr. Abinash K. Mishra, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.03.2025

CM APPL. 15785/2025(Exemption) W.P.(C) 3344/2025

Exemption allowed, subject to all just exceptions.

The application stands disposed of.



W.P.(C) 3344/2025 & W.P.(C) 2609/2025

1. The petitioners in these two cases were employees of Guru Harkrishan Singh Public School. The petitioner in W.P.(C) 2609/2025 was a member of the non-teaching staff and retired on 30.04.2024. The petitioner in W.P.(C) 3344/2025 was a Trained Graduate Teacher [“TGT”] (Hindi) and retired on 31.08.2024.
2. They have filed these writ petitions seeking retirement benefits, including gratuity, leave encashment, provident fund, and arrears of pay, if any, computed in accordance with the recommendations of the Sixth and Seventh Central Pay Commission [“CPC”].
3. I have heard learned counsel for the parties.
4. It is the admitted position that the petitioners’ entitlements are similar to those of the petitioners in two batches of cases, which were decided by judgments of learned Single Judges in *Shikha Sharma vs. Guru Harkrishan Public School and Ors* [judgment dated 16.11.2021 in W.P.(C) 3746/2020 & *connected matters*] and *Anjali Vaid and Ors. vs. Adarsh World School and Ors* [judgment dated 17.11.2023 in W.P.(C) 3592/2022 & *connected matters*].
5. In *Shikha Sharma*, the petitioners were working in various branches of the respondent herein, Guru Harkrishan Singh Public School. The *Anjali Vaid* batch of cases concerned several different schools, including Guru Harkrishan Singh Public School.
6. In *Shikha Sharma*, the writ petitioners therein sought benefits of the Sixth and Seventh CPC, along with arrears and retiral benefits. Although an issue with regard to Modified Assured Career Progression



[“MACP”] was also raised in some of the petitions, the present writ petition does not concern the said issue. The Court held that the petitioners therein were entitled to the benefits of the Sixth and Seventh CPC.

7. The operative directions in *Shikha Sharma* are reproduced below:

“29. Accordingly, these writ petitions need to be allowed and the respondent/DSGMC/GHPS Society/GHPS are directed to, re-fix the salaries and other emoluments of the petitioners under 6th and 7th CPC in accordance with the rules. It is made clear that the DSGMC/GHPS Society shall ensure the compliance of the orders passed by this Court. I take note of the submission made by Mr. Misra that neither DSGMC nor the GHPS Society in any case have any statutory liability under the provisions of the DSE Act/Rules to grant the benefits of the 6th and 7th CPC but the fact remains that the DSGMC was being represented by their functionaries in these proceedings and even the undertakings were given on behalf of DSGMC in the proceedings before this Court and as such cannot absolve itself, from ensuring that the benefits of the 6th and 7th CPC are given to the petitioners. This direction is in the facts of the cases more specifically where the claim of the petitioners is with regard to the grant of the benefit under the 6th and 7th CPC and connected issues. The petitioners shall also be entitled to arrears of pay in view of fixation of their pay under the 6th and 7th CPC, upto the date of payment subject to adjustment of salary already paid.

30. The arrears thereof under the 6th CPC shall be paid to the petitioners with interest at the rate of 6% per annum. The arrears of 7th CPC shall not carry any interest. The fixation of pay and arrears shall be made/paid within a period of six months from today. All retiral benefits shall also be fixed and released to the petitioners, who have retired from their service within six months from today. As an immediate assistance, the respondents/DSGMC/GHPS Society/GHPS shall release an amount of Rs. 5 Lacs to each of the retirees within one month, subject to adjustment at the time of full payment. It is made clear that the failure to pay the amounts within six months as directed above shall entail payment of a higher interest of 9% per annum on the arrears of both 6th and 7th CPC and retiral benefits.

31. On the issue of grant of transport allowance/dearness allowance, the DoE in consultation of the GHPS in which petitioners, who sought such relief are working shall pass order, by considering the orders in the cases being CONT. CAS.(C) 46/2016 dated January 09, 2017 and in W.P.(C) 2132/2011 dated March 06, 2013 and instructions, if any,



and convey the decision to those petitioners, within 10 weeks from today. Similarly, the claim of some petitioners for MACP in W.P.(C) 6407/2018, W.P.(C) 11152/2019 and W.P.(C) 12006/2019 shall be decided by the DoE in consultation with the GHPS in which the petitioners, who sought such relief are employed and convey the same to those petitioners, within 10 weeks from today. If the benefits are payable, the same shall be released to the petitioners within six months thereafter.”

8. In *Anjali Vaid (Supra.)*, the writ petitioners were employed in various teaching and non-teaching capacities in a number of schools. The Court, *inter alia*, held that unaided minority schools are bound by the provisions of Section 10 of the Delhi School Education Act, 1973, which provides for payment of salary and emoluments at par with those payable to employees of government schools. The Court directed payment of the arrears accordingly, and also directed formation of a committee to look into the implementation of the recommendations of the Pay Commission in private schools.

9. The judgment has been carried in appeal in *Renu Arora and Anr. v. St. Margaret Senior Secondary School & Ors.* [LPA 762/2023]. The Division Bench, by order dated 24.11.2023, has stayed only paragraph 200, 204 and 205 of the order of the learned Single Judge, which deal with the constitution of a High-Powered Committee to supervise the implementation of the recommendations and guidelines prescribed in the Sixth and Seventh CPC.

10. I am informed that an appeal was filed against the judgment in *Shikha Sharma*, but withdrawn. The said judgment, which is against the respondent-School itself, has thus attained finality.

11. Consequently, learned counsel for the parties accept that these writ petitions are covered by the aforesaid judgments.



12. The writ petitions are, therefore, disposed of in terms of paragraph Nos. 29, 30 and 31 of the judgment in *Shikha Sharma*, which have been quoted above. It is, however, made clear that the directions with regard to MACP are not relevant to the present writ petitions.

13. While releasing the petitioners' dues, the respondent-School will also provide a computation thereof.

PRATEEK JALAN, J

MARCH 18, 2025

"Bhupi"/SD/