



2025:DHC:11655-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Reserved on: 13.11.2025
Pronounced on: 22.12.2025
+ **W.P.(C) 4770/2021 & CM APPL. 14712/2021, CM APPL. 25993/2022**

MRS. SONIA BABLANI & ORS.Petitioners

Through: Mr. Rajeev Awasthi, Adv.

versus

GOVT. OF NCT OF DELHI & ORS.Respondents

Through: Mrs. Avnish Ahlawat, SC for
GNCTD Services with
Mr.Nitesh Kumar Singh,
Ms.Aliza Alam and
Mr.Mohnish Sehrawat, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. This petition has been filed, challenging the Order dated 02.02.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in T.A. 10/2016, titled *Sonia Bablani & Ors v. Govt. of NCT of Delhi & Ors.* (hereinafter referred to as the 'Impugned Order'), declining the prayers of the petitioners herein.

FACTS OF THE CASE

2. Respondent No.1 is the Government of NCT of Delhi, and Respondent No.2 is the Directorate of Education, which is directly running Respondent No.5, namely, the Government Co-Ed Sarvodaya



2025:DHC:11655-DB



Vidyalaya, Senior Secondary School. Respondent No.4 is responsible for compiling the service particulars of the Petitioners and, after due collection and verification, forwarding the same for regulating their service benefits and entitlements.

3. In the year 1977, the Central Government allotted 2.87 acres of prime land to the Children Education Trust of India for the purpose of running a primary school, at a nominal rate of ₹1 per sq. metre. The Trust established the Central Academy School (hereinafter referred to as 'the School'), which came to be managed exclusively by Shri S.N. Chaturvedi, who functioned in multiple capacities, including Principal, Trustee, Manager and Administrator.

4. From inception, the School was managed in flagrant violation of the statutory provisions governing recognized schools, and the administration effectively remained under the sole control of Shri S.N. Chaturvedi and his family members.

5. The petitioners were appointed from time to time against permanent teaching/non-teaching posts, in accordance with the provisions of the Delhi School Education Act, 1973 (hereinafter referred to as the "Act") and Delhi School Education Rules, 1973 (hereinafter referred to as the "Rules") and upon undergoing a regular selection process based on merit and requisite qualifications.

6. In 1994, the Parents-Teachers Association (PTA), being aggrieved by large-scale mismanagement and illegalities committed by the said Manager/Principal/Trustee, submitted representations to the Lt. Governor of Delhi seeking an inquiry under the Act and the Rules. Pursuant to the said representation, an inquiry was ordered,



2025:DHC:11655-DB



which revealed extensive irregularities including diversion of funds and exploitation of staff. Consequently, the Lt. Governor, in exercise of powers under Section 20(1) of the Act, directed the taking over of the school on 03.07.1996.

7. Shri S.N. Chaturvedi challenged the said takeover by filing W.P.(C) No. 2572/1996. The High Court, *vide* judgment dated 14.02.1997, dismissed the writ petition with costs and directed the Government to continue running the school. His further challenge before the Supreme Court, in SLP (C) No. 7439/1997, was dismissed on 11.04.1997.

8. Thereafter, the PTA filed Public Interest Petition No. 604/1998, seeking directions to formally run the School as a Government School and to cancel the land lease granted in favor of the Children Education Trust of India. Various directions were issued during the proceedings, including eviction of Shri S.N. Chaturvedi from the School premises.

9. During the said proceedings, the Ministry of Urban Development confirmed about the multiple lease violations, and the Respondent No.2 filed an affidavit before the Division Bench of this Court, stating that it had no objection in running the School as a Government School if the land was transferred to the Directorate of Education.

10. On 29.07.2000, the Ministry of Urban Development, cancelled the lease of the Children Education Trust and re-entered the premises with effect from 21.08.2000.

11. Respondent No.2 thereafter wrote to the Ministry of Urban Development on 25.10.2000, requesting allotment of the said land in



2025:DHC:11655-DB



view of the educational needs of the locality.

12. On 20.04.2001, the Ministry acceded to the request and allotted the land to the Directorate of Education. Upon acceptance and payment of the requisite cost, the land stood finally transferred to the Respondent No.2 on 20.08.2001, and since then, the School has been run as a Government School.

13. Meanwhile, S.N. Chaturvedi and H.N. Chaturvedi staked claims over the management of the School, whereupon the PTA approached the High Court by filing W.P.(C) No.1883/2002. The High Court stayed any attempt to hand over management to the said brothers.

14. Multiple writ petitions filed by the two brothers, including W.P.(C) No. 1883/2002, were finally heard together and dismissed by judgment dated 08.08.2005. The Court upheld the takeover of the School and observed that since the land had been resumed by the Land and Development Office (L&DO) and transferred to the Directorate of Education in 2000, the school was effectively a Government School. Appeals (LPA No. 2029/2005 and LPA No. 2030/2005) filed against the said judgment were dismissed on 27.10.2009. The Division Bench held that since the lease had been cancelled and the land vested in the Directorate of Education, the School was being run by the Government as its own institution. The Special Leave Petitions filed thereafter, being SLP Nos. 4295/2010 and 4379/2010, were dismissed by the Supreme Court on 08.03.2010.

15. The petitioners thereafter filed W.P.(C) No. 674/2011 seeking a declaration that the school was a Government School and for consequential regulation of their service benefits. During its pendency,



2025:DHC:11655-DB



the respondents formally declared the School as a Government School, though no decision was taken regarding the service conditions of the Petitioners, despite repeated assurances.

16. Pursuant to the Order of the Court dated 04.03.2015, the Secretary (Education) was directed to take a decision on the services of the Petitioners. However, the respondent no.2 issued Orders dated 05.05.2015 and corrigenda dated 15.05.2015 and 10.07.2015, declaring the petitioners as 'Contract Employees', despite their having been appointed permanently and having continuously served the school for over 20 years. The petitioners withdrew W.P.(C) No. 674/2011 with liberty to challenge the said Orders.

17. The petitioners thereafter filed W.P.(C) No. 9532/2015. The Court, *vide* Order dated 06.10.2015, directed the respondents to treat the writ petition as a representation and pass a speaking order within 12 weeks.

18. Respondent No.2, in compliance, passed an Order dated 14.01.2016, confirming the permanent takeover of the school and granting the petitioners pay and allowances at par with Government school teachers, yet classifying them as 'Special Appointees' and treating them as employees of a private unaided school for purposes of retiral benefits, despite the fact that no private management existed after 2000. At the same time, the petitioners were subjected to Government-level disciplinary control and the Code of Conduct under Rules 122–124 of the Delhi School Education Rules, 1973. The said Order suffers from inherent contradiction.

19. Multiple representations submitted by the petitioners seeking



2025:DHC:11655-DB



correction of their service status and grant of full benefits went unheeded.

20. During the pendency of the proceedings before the learned Tribunal (T.A. 10/2016), the petitioner no.2 passed away and petitioner no.6 retired, necessitating applications for substitution and release of retiral dues.

21. Ultimately, by Order dated 02.02.2021, the learned Tribunal disposed of T.A 10/2016, rejecting the petitioners' prayer for treating them as Government servants and granting them only a conditional liberty to make further representations, holding as under:

“8. The applicants could have certainly grievance, in case their emoluments are not protected. The order makes it amply clear that they will be entitled to be paid salary, at par with the Government employees, till the date of their superannuation. The occasion to extend the benefits such as ACP/MACP and promotion would arise if only such a facility existed in the institution which was taken over. In the absence of that, the mere fact that the school was taken over, cannot be treated as a fortuitous circumstance for the applicant, to claim the benefits which otherwise did not exist.

Even now, the applicants can point out and establish the existence of any benefits in the institution that was taken over and are not extended to them, by the Government. In such a case the respondents, who have taken over the school would be under an obligation to continue the same facility as long as they are found to be within the framework of law.

*9. We, therefore, dispose of the TA;
(a) declining to interfere with the impugned order;
(b) leaving it open to the applicants to make a representation stating, whether the facilities*



2025:DHC:11655-DB



such as ACP/MACP and promotion, were available in the administration of the institution, before it was taken over;

(c) in case the applicants are able to satisfy the respondents as to the existence of such facilities, and are found to be within the legal framework the respondents shall consider the feasibility of continuing the same.

10. Pending MAs also stand disposed of. There shall be no order as to costs."

22. Aggrieved by the aforesaid decision, the petitioners have approached this Court by way of the present petition, seeking the following reliefs:

“(a) Issue a writ of certiorari, quashing and setting aside the order dated 02.02.2021 passed by the Principal Bench of the Central Administrative Tribunal in TA/100/10/2016, MA/100/2194/2020 and MA/100/1269/2017;

(b) Issue a writ of mandamus commanding the Respondents to grant the Petitioners the status and benefits of ACP/MACP and promotion at par with employees of their Government school;

(c) Issue an appropriate writ, order or direction directing the Respondents to confer upon the Petitioners the status and benefits of Government employees and to modify/amend the order dated 14.01.2016 to that extent; and

(d) Issue a writ of mandamus commanding the Respondents to grant all benefits admissible to Government employees, such as MACP, LTC, CCL and medical benefits as per the Delhi School Education Act, 1973 and the Rules framed there under;

(e) Issue a writ of mandamus directing the Respondents to deposit the statutory EPF in respect of the Petitioners;

(f) Grant all consequential benefits to the Petitioners to which they are entitled in law at par with Government employees;



2025:DHC:11655-DB



(g) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case; and
(h) Allow the writ petition with costs..."

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS

23. The learned counsel for the petitioners submits that this case has a long history of litigation, and despite bringing the relevant judgments to the notice of the learned Tribunal, the same were neither discussed nor considered in the Impugned Order. It is submitted that the learned Tribunal committed a grave error in not advertng to the Judgment of this Court in ***Harbhajan Kaur v. Director of Education (NCT of Delhi)***, 2010 SCC OnLine Del 1377, though the said judgment was specifically placed on record.

24. He submitted that the finding of the learned Tribunal in the Impugned Order holding that the Petitioners could not be treated as government servants as their appointment was in a private school and allegedly not in accordance with the rules, is directly contrary to the view taken by this Court in ***Harbhajan Kaur*** (supra). It is argued that this Court, in ***Harbhajan Kaur*** (supra), after considering similar circumstances of appointment, held that where a teacher had continuously discharged duties for years under the control of the Directorate of Education, denial of regularization or service benefits on the ground of technical irregularities in appointment would be harsh and unjustified.

25. The learned counsel submits that the petitioners were appointed



2025:DHC:11655-DB



in the same manner and under the same administrative circumstances as **Harbhajan Kaur** (supra), therefore, in parity with the said judgment, the Petitioners are entitled to similar benefits, including regularization and recognition of their service.

26. The learned counsel for the petitioners also submits that the Supreme Court, in **Milan Rana v. Govt. of NCT of Delhi & Ors.** (SLP (C) No.1076/2021), has already applied the judgment in **Harbhajan Kaur** (supra) to another teacher of the very same school who, like the petitioners, had been appointed by the Authorised Officer after the takeover. It is pointed out that the Court directed her regularisation on the same reasoning as in **Harbhajan Kaur** (supra). Therefore, it is urged that there is no justification to deny the petitioners the same benefit, as their appointments and service conditions are on identical footing.

27. It is next submitted that the Order dated 08.12.2016, whereby W.P.(C) No. 6099/2016 was transferred to the learned Tribunal, itself proceeds on the basis that the Petitioners are employees of the Government of NCT of Delhi. It is argued that such transfer would not have been permissible unless the petitioners were to be treated as government employees for the purposes of service jurisprudence.

28. The learned counsel further submitted that, from a perusal of the Order dated 14.01.2016, it is evident that the petitioners have throughout been governed by the Code of Conduct under Rule 102-124 of the Rules and by Section 10(1) of the Act read with Rule 125 of the Rules. It is contended that once the Petitioners are subjected to statutory service conditions applicable to recognized schools under the



2025:DHC:11655-DB



Act, the refusal of the learned Tribunal to treat them as employees of the GNCTD is wholly unsustainable.

29. Reliance is placed on the Judgment of the Supreme Court in ***S.K. Mathur & Ors. v. Union of India***, (1998) 4 SCC 134, wherein it was held that employees of a parent organization whose management has been taken over by the Government, must be treated as government employees, and that their past service cannot be ignored. It is argued that the ratio applies squarely to the present case.

30. The learned counsel also places reliance on ***M.M. Dolichan & Ors. v. State of Kerala***, (2001) 1 SCC 151, wherein the Supreme Court issued directions, holding teachers appointed in private schools to be duly appointed and protecting their services, keeping in view the larger public interest and the need for continuity in education.

31. Reliance is further placed on ***K. Krishnamacharyulu & Ors. v. Sri Venkateswara Hindu College of Engineering***, (1997) 3 SCC 571, wherein the Supreme Court held that when an institution performs public duties and caters to public interest, its teachers are entitled to avail constitutional remedies under Article 226, and cannot be denied parity in service benefits available to government employees.

32. The learned counsel also refers to ***Manmohan Singh Jaitla v. Commissioner, UT Chandigarh***, 1984 (Supp) SCC 540, to submit that where deep and pervasive State control exists, the institution must be treated as an instrumentality of the State, and the same principle applies *mutatis mutandis* to recognized schools functioning under the regulatory control of the Directorate of Education.

33. It is further submitted that the Office Order dated 14.01.2016,



2025:DHC:11655-DB



which seeks to classify the petitioners as ‘Special Appointees’, is contrary to the Act and the Rules as no such classification exists under the Statute. The petitioners, being fully qualified teachers appointed by the erstwhile management in accordance with the statutory framework, cannot be denied the status and benefits of government employees on the basis of an administrative categorization unknown to law.

34. Lastly, it is submitted that the respondents have failed to appreciate that the petitioners have been rendering continuous service, possessed the requisite qualifications, and were appointed in conformity with the Act and the Rules. Their services having been taken over and continued by the respondents, the denial of government employee status and consequential benefits is arbitrary, discriminatory, and contrary to binding judicial precedents.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENTS

35. On the other hand, the learned counsel for the respondents submits that the Petitioners cannot claim any right to regularization or parity with Government teachers, as their initial appointments in the erstwhile private school were not made in accordance with the statutory Recruitment Rules. It is contended that the Petitioners were appointed by the private management without any approval from the Directorate of Education and, therefore, their status cannot automatically transform into that of Government employees merely because the school was subsequently taken over by the Government.



2025:DHC:11655-DB



36. He submits that the Act contains no express provision for absorption of employees of a private unaided school upon takeover, and in the absence of such statutory mandate, the Petitioners cannot seek regularization as a matter of right. It is argued that the petitioners were retained only on *humanitarian grounds* after the takeover, and were accordingly designated as ‘Special Appointees’, a category created to allow them to continue without conferring on them the full rights, status, or benefits of regular Government teachers.

37. The learned counsel further contends that the reliance placed by the petitioners on *Harbhajan Kaur* (supra) and other judgments is misplaced, as those decisions arose in materially different factual and legal contexts. It is submitted that the appointments in *Harbhajan Kaur* (supra) had been made by an authorized officer of the Directorate and were under the direct control of the Government, whereas in the present case, the petitioners were appointed solely by a private unaided management, whose functioning, recruitment process, and financial decisions were not undertaken under Government supervision.

38. He submits that the transfer of W.P.(C) No. 6099/2016 to the learned Tribunal does not, by itself, constitute any declaration that the petitioners are Government employees. It is contended that the transfer Order was passed only to secure a uniform adjudicatory forum and cannot be construed as recognition of any substantive service right in favor of the petitioners.

39. The learned counsel further argues that the petitioners’ reliance on the Code of Conduct under Rule 102-124 of the Rules and on



2025:DHC:11655-DB



Section 10(1) of the Act, is misconceived. He submits that these provisions apply equally to recognised private schools and do not imply that the employees of such schools must be treated as Government servants. According to him, mere applicability of statutory service norms to private school teachers cannot, in law, translate into Government employment.

40. The respondents also dispute the applicability of the judgments in *S.K. Mathur* (supra), *M.M. Dolichan* (supra), *K. Krishnamacharyulu* (supra), and *Manmohan Singh Jaitla* (supra), on the ground that those cases involved either Government-controlled institutions, statutory recruitment processes, or situations where the State had expressly assumed responsibility for staffing. It is contended that none of those decisions apply where appointments were made by a private unaided management in violation of the Recruitment Rules.

41. Lastly, it is submitted that the Office Order dated 14.01.2016 is valid and is not contrary to the provisions of the Act or the Rules. The respondents contend that, in the absence of statutory authority to regularize the petitioners, the creation of the 'Special Appointee' category was the only feasible administrative mechanism to allow the petitioners to continue in service without conferring upon them a status or benefits to which they were not legally entitled.

ANALYSIS AND FINDINGS

42. We have considered the submissions made by the learned counsel for the respective parties.

43. The central question for determination is whether, following the



2025:DHC:11655-DB



statutory takeover and complete vesting of the School in the Government, the petitioners are entitled to be treated as Government employees with all consequential service benefits.

44. The factual matrix of this case is unique. The school was taken over by the Directorate of Education under Section 20 of the Act, on 03.07.1996. From that date, the Government exercised complete administrative, financial, and disciplinary control. The lease granted to the Children Education Trust was cancelled on 21.08.2000, and the land was formally transferred to the Directorate on 20.08.2001. The school was formally declared a Government School with effect from 01.06.2011 and renamed 'Government (Co-Ed) Sarvodaya Vidyalaya, Senior Secondary School'. Throughout this period, the petitioners continued to discharge their duties without interruption. Their service records have been maintained by the Directorate of Education since 1997. The Government, in taking over the management under Section 20 of the Act, assumed control of the entire institution, including its staff. The petitioners were retained because their work was essential and integral to the functioning of the school.

45. It is pertinent to note that the Order dated 14.01.2016 merely substituted the term 'contractual employees' with 'Special Appointees' in response to the petitioners' objection to the former designation. This Court deprecates the practice of using such nomenclature to mask what is essentially a regular engagement. The substitution of one term for another, without any substantive change in status or entitlements, does not alter the legal reality. More importantly, the classification of 'Special Appointees' finds no basis



2025:DHC:11655-DB



in the Act or the Rules framed there under, and cannot be sustained in law. The relevant para from the Order dated 14.01.2016 read hereinbelow:

“And whereas petitioners in their petition have objected to the use of word ‘contractual appointment’, it is directed that the word contractual be read as ‘special’ appointment and further disciplinary proceedings against these employees/petitioners, if any, are resorted to in future, these will still be carried out as per provisions of Rules 115–121 of Delhi School Education Rules, 1973 by suitably replacing Chairman & Manager, the members of the disciplinary committee as mentioned in Rules 118 of Delhi School Education Rules, 1973 with other officers of the Department and further these petitioners/employees shall also be governed by code of conduct as mentioned in Rules 122–124 of Delhi School Education Rules, 1973”.

46. The attempt to classify the petitioners as ‘Special Appointees’ is arbitrary and unsupported by Statute. This classification appears designed solely to deny them the benefits of continued service under the State.

47. The Supreme Court in ***Jaggo v. Union of India***, 2024 SCC OnLine SC 3826, held that employees performing essential and continuous functions equivalent to regular employees, are entitled to equitable treatment and regularization and denying such benefit constitutes manifest injustice. The Supreme Court in ***Jaggo*** (supra) has held that the claim of regularisation of such employees by merely terming them as casual/temporary/ad hoc, etc., cannot be accepted. We quote from the judgment, as under:

“19. It is evident from the foregoing that the



2025:DHC:11655-DB



appellants' roles were not only essential but also indistinguishable from those of regular employees. Their sustained contributions over extended periods, coupled with absence of any adverse record, warrant equitable treatment and regularization of their services. Denial of this benefit, followed by their arbitrary termination, amounts to manifest injustice and must be rectified"

(Emphasis supplied)

48. The petitioners have performed duties identical to those of regular Government school teachers. It is not the case of the respondents that the petitioners have displayed deficiency in work or have committed any misconduct. Their services have been repeatedly utilized even after the takeover, reflecting the indispensability of their role.

49. The petitioners have served continuously for over 20 years under complete Government control. Teaching is a perennial function, core to the school's operation. Denying regularization on the basis of initial appointments by a private management (which ceased to exist in 2000) perpetuates the very exploitation that *Jaggo (supra)* sought to eliminate. The State cannot rely on perceived defects in pre-takeover appointments to justify continued classification as 'contract,' 'temporary,' or 'special' appointees.

50. A similar approach was adopted by the Supreme Court in *Shripal and Another v. Nagar Nigam, Ghaziabad*, 2025 SCC OnLine SC 221, emphasizing that continuous service in permanent functions warrants regularization, even where full records may not be available. We quote from the judgment, as under:



2025:DHC:11655-DB



“15. It is manifest that the Appellant Workmen continuously rendered their services over several years, sometimes spanning more than a decade. Even if certain muster rolls were not produced in full, the Employer's failure to furnish such records—despite directions to do so—allows an adverse inference under well-established labour jurisprudence. Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature. Morally and legally, workers who fulfil ongoing municipal requirements year after year cannot be dismissed summarily as dispensable, particularly in the absence of a genuine contractor agreement. At this juncture, it would be appropriate to recall the broader critique of indefinite ‘temporary’ employment practices as done by a recent judgment of this court in Jaggo v. Union of India in the following paragraphs:

‘22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

25. It is a disconcerting reality that temporary employees, particularly in government



2025:DHC:11655-DB



institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:

- *Misuse of 'Temporary' Labels : Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as 'temporary' or 'contractual,' even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.*
- *Arbitrary Termination : Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.*
- ***Lack of Career Progression : Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.***
- *Using Outsourcing as a Shield: Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.*
- ***Denial of Basic Rights and Benefits : Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid***



2025:DHC:11655-DB



**leave, even when their tenure spans decades.
This lack of social security subjects them and
their families to undue hardship, especially in
cases of illness, retirement, or unforeseen
circumstances.'**

(Emphasis Supplied)

51. This Court also cannot ignore the communication dated 18.07.2011, wherein the Directorate of Education was specifically requested to expedite the settlement of the petitioners' terms of service into Government service, as advised by the Finance Department. In the face of such a clear directive, the subsequent denial of pension, EPF, and other consequential service benefits, constitutes a breach of the petitioners' legitimate expectation. The relevant extract of the said Order is herein below:

"Central Central Academy Sr. Sec. School, Sector-13, R.K. Puram, originally established by a Private Trust, has been converted into Govt. (Co-ed) S.V. vide this branch order dated 01/06/2011 with the approval of Competent Authority (copy enclosed). Eleven teachers and three Class-IV employees employed by the previous school management have been retained even after conversion of the school. While according approval for grant of salary to these employees during 2011-12, Finance Department has directed the Education Department to settle terms and conditions of services of these employees within 6 months (copy enclosed). Terms and conditions of services of these employees are to be settled by Directorate of Education. Expenditure on the salary of these teachers works out to be around Rs. 6.00 lacs per month.



2025:DHC:11655-DB



You are, therefore, requested to expedite settlement of terms of service of eleven teachers and three Class-IV employees into Govt. service as advised by the Finance Department.”

(Emphasis Supplied)

CONCLUSION

52. In view of the foregoing discussion, this Court is of the considered opinion that the denial of Government employee status and of service benefits such as ACP/MACP and promotion at par with employees of Government schools to the petitioners, is wholly unsustainable. The statutory takeover of the school, followed by the complete vesting of its management and land in the Government, coupled with the long and uninterrupted service rendered by the petitioners under full Government control, entitles them to be treated at par with regular Government school teachers.

53. We, therefore, direct that the petitioners shall be granted regularisation and all consequential benefits with effect from the date of their initial appointment in the School. Necessary Orders in this regard shall be issued by the respondents within a period of 8 weeks from the date of this Order.

54. The Impugned Order of the learned Tribunal is set aside.

55. The petition is allowed with the above directions. The pending applications also stand disposed of accordingly.

MADHU JAIN, J

NAVIN CHAWLA, J.

DECEMBER 22, 2025/RM/SS