



2025:DHC:2517-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 08.04.2025***

+ LPA 242/2025

DAYANAND ADARSH VIDYALAYAAppellant

Through: Mr.Manish Gupta, Ms.Deepti
Verma, Mr.Sowmya China,
Mr.Prateek Gupta & Ms.Payal
Singh, Advs.

versus

DEEPA CHHIBBER & ORS.Respondents

Through: Ms.Asha Jain Madan &
Mr.Mukesh Jain, Advs. for R-1
to R-6
Ms.Latika Choudhary, Adv for
R-8 to R-10
Ms.Ritu Jain, Adv for R-11**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE RENU BHATNAGAR****NAVIN CHAWLA, J. (ORAL)****CM APPL. 20805/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

CM APPL. 20803/20252. This application has been filed by the appellant seeking
condonation of 62 days in filing of the appeal.3. For the reasons stated in the application, the same is allowed
and the delay is condoned.**LPA 242/2025 & CM APPL. 20804/2025**4. This appeal has been filed by the appellant, challenging the
Order dated 23.12.2024, passed by the learned Single Judge of this
Court in W.P.(C) 5053/2020, titled ***Deepa Chhibber & Ors. v.***



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Dayanand Adarsh Vidyalaya & Ors., directing the appellant herein to release the salary and emoluments of the respondent nos.1 to 6 for a period of six months, without prejudice to the rights and contentions of both the parties.

5. Admittedly, the appellant does not have the approval of the Department of Education (in short, 'DOE') for the closure of the school, as required under Rule 46 of the Delhi School Education Rules, 1973 (in short, 'Rules').

6. In spite of the same, the appellant contends that the school has been lying closed since 01.04.2020. In support of this submission, the learned counsel for the appellant places reliance on the reports filed by the DOE, dated 17.06.2021 and 04.02.2022. He submits that the school neither has any students nor is collecting any fee, therefore, the question of payment of any salary or emoluments to the respondent nos.1 to 6 does not arise.

7. The learned counsel for the appellant has also placed reliance on the Order dated 17.12.2021, passed by this Court in W.P.(C) 5403/2021, titled ***Param Shivansh Singh and Others v. Dayanand Adarsh Vidyalaya and Others***, to submit that the DOE had assured the Court that the application of the appellant for closure of the school will be disposed of by it within a period of six weeks thereof. The decision is, however, still pending.

8. We have also enquired from the learned counsel for the appellant, whether the appellant has taken any action for seeking expeditious disposal of its application for approval of the closure of the school from the DOE. He fairly informs us that no such legal



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action has been taken till date, though, repeated representations have been made by it to the DOE.

9. On the other hand, the learned counsel for respondent nos.1 to 6 submits that, admittedly, there is no approval granted by the DOE for the closure of the school. She submits that the closure of the school is, therefore, illegal and no cognizance of the same can be taken. She further submits that the respondent nos.1 to 6 continue to be employees of the appellant and, therefore, are entitled for the salaries.

10. We have considered the submissions made by the learned counsels for the parties.

11. We find that the learned Single Judge, having taken into account that the appellant does not have the approval of the DOE for the closure of the school, as provided under Rule 46 of the Rules, has created a balance between the parties by directing that at least six month salary be released to the respondent nos.1 to 6.

12. In the absence of a legally sanctioned closure of the school, the appellant cannot take the benefit of their own unilateral decision to close the school, and leave the respondent nos.1 to 6, who are legally hired teaching and other staff of the school, in a lurch.

13. We, therefore, find no infirmity in the Impugned Order.

14. The appeal is accordingly dismissed. The pending application is also disposed of.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 8, 2025/rv

Click here to check corrigendum, if any