



2025:DHC:11314



\$~J-1

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

%

*Judgment reserved on: 01.12.2025**Judgment delivered on: 13.12.2025*

+ W.P.(C) 4852/2025 and CM APPL. Nos. 22193/2025 and 35547/2025, 38904/2025 and 39045/2025

**KHEMO DEVI PUBLIC SCHOOL THROUGH ITS
ADMINISTRATOR**

.....Petitioner

Through: Mr. Kirtiman Singh, Senior Advocate
with Mr. Yasharth Shukla, Mr. Arjun
Choipra, Mr. Taha Yasin, Mr. Naman
Shukla, Mr. Maulik Khurana, Ms.
Ashi Khandelwal and Mr. Arun
Kumar Shukla, Advocates.

versus

**CENTRAL BOARD OF SECONDARY
EDUCATION**

.....Respondent

Through: Mr. M.A. Niyazi, SC for CBSE with
Ms. Anamika Ghai Niyazi, Ms. Kirti
Bhardwaj, Ms. Nehmat Sethi and Mr.
Arquam Ali, Advs.**CORAM:****HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J**

1. The case set out in the present petition is that the petitioner school was established in the year 2016 and was granted provisional affiliation by the respondent/CBSE up to Senior Secondary level, which was extended from time to time.

2. Lastly, on 22.06.2023, the CBSE granted extension of provisional affiliation to the petitioner from 04.01.2024 till 31.03.2029.



3. On 03.09.2024, the CBSE conducted a surprise inspection of the petitioner school and inspection report was submitted to the competent authority of the CBSE. The observations of Inspection Committee in its report reads thus:

19.	Observations of inspection Committee	(i) On Academic Ambience of school. The academic ambience is not up to the mark and quality of education is not maintained. (ii) Is school sponsoring students of unaffiliated schools for Board Examination. It is observed that students are enrolled in particularly in classes XI and XII not attending schools regularly and it is most likely to that attending coaching classes. (iii) Is school taking admissions of dummy students. It is observed that school in not running as per the provisions of the Affiliation and Examination byelaws and taking huge admission in classes XI and XII who are not attending the classes on regular basis. It is also noted that sufficient and qualified teachers are not available on the day inspection in the schools, it established that school is not running as per the conditions of the examination and affiliation byelaws.
-----	--------------------------------------	--

4. Based on the said inspection report, the CBSE issued a show cause notice dated 13.09.2024 *inter alia* alleging disproportionate increase of students in Class XII and further calling upon the petitioner to show cause as



to why the penalty envisaged under clause 12.1 and 12.2 of the Affiliation Bye-Laws 2018 should not be imposed.

5. The said show cause notice was replied to by the petitioner *vide* its letter dated 10.10.2024.

6. After considering reply of the petitioner, the CBSE passed order dated 29.10.2024 *vide* which penalty of disaffiliation was imposed on the petitioner. Thereafter, the CBSE issued two letters dated 17.02.2025 and 19.02.2025 whereby the CBSE directed the petitioner to transfer the students studying in Class IX and XI from petitioner to other schools.

7. Aggrieved by the aforesaid action of the CBSE, petitioner filed a writ petition being W.P.(C) 3422/2025 before this Court assailing disaffiliation order dated 29.10.2024. The said petition was disposed of *vide* order dated 19.03.2025 with a direction to the respondent to consider the writ petition as a representation and pass a speaking order considering all the material on record and any other additional material that may be required by the CBSE. Further, liberty was granted to the CBSE to conduct any surprise inspection, if so required. At the same time, liberty was also granted to the petitioner to approach this Court after the speaking order is passed by the CBSE.

8. It appears that the personal hearing was afforded to the petitioner before the Chairman, CBSE on 28.03.2025, and thereafter, impugned order dated 04.04.2025 came to be passed by the CBSE whereby the decision of disaffiliation was upheld.

9. Aggrieved by the impugned order dated 04.04.2025, the present petition has been filed seeking following relief:

“i. Issue a writ or direction in the nature of Certiorari or Mandamus and/or any other appropriate Writ, order or direction in the nature thereof setting aside the Order dated 04.04.2025 passed by the Respondent dis-affiliating the Petitioner school, and/or;



ii. Issue a writ or direction in the nature of Certiorari or Mandamus and/or any other appropriate Writ, order or direction in the nature thereof to set aside the Show Cause Notice dated 13.09.2024 along with Inspection Report passed by the Respondent, and/or;

iii. Issue a writ or direction in the nature of Certiorari or Mandamus and/or any other appropriate Writ, order or direction in the nature thereof setting aside the Order dated 17.02.2025 and 19.02.2025 passed by the Respondent transferring the students of the Petitioner school, and/or;

iv. Issue a writ or direction in the nature of Mandamus and/or any other appropriate Writ, order or direction in the nature thereof directing the Respondents to allow the Petitioner school run till as Secondary level, and/or;”

10. During the course of hearing, Mr. Kirtiman Singh, learned senior counsel gave an impression that the petitioner is confining the challenge to disaffiliation *apropos* secondary level (class IX and X), but the said fact had not come on record. Accordingly, the matter was listed on 01.12.2025 to seek clarification from the petitioner in that behalf. On instructions, Mr. Kirtiman Singh, stated that the petitioner is giving up its challenge to disaffiliation to the extent of senior secondary level (class XI and XII) and the challenge may be treated as one confined to disaffiliation *apropos* secondary level (class IX and X).

11. Notably, when the matter was listed on 28.07.2025, Mr. M.A. Niyazi, learned counsel appearing on behalf of the respondent/CBSE had submitted that the petitioner school has not cured the deficiencies which were pointed out by the CBSE in para V, VI and X of the show cause notice dated 13.09.2025.

12. In response to Mr. Niyazi's said submission, Mr. Kirtiman Singh, on instructions, stated that the petitioner will file an affidavit pertaining to the deficiencies pointed out in para V, VI and X of the show cause notice



alongwith supporting documents. Accordingly, liberty was granted by this Court to the petitioner to file such an affidavit alongwith supporting documents. The liberty so granted was availed by the petitioner by filing an affidavit dated 28.07.2025 and the documents.

13. Mr. Kirtiman Singh has referred to the relevant paragraphs of the affidavit dated 28.07.2025. He has also invited attention of the Court to the staff statement for the year 2025-26 to contend that complete details of the teachers alongwith their qualification has been mentioned in the said affidavit, and the records are also being properly maintained, therefore, the objection in para VI of the show cause notice does not survive.

14. To dispel the doubt raised with regard to the qualification of the Principal in para X of the show cause notice, Mr. Singh has drawn attention of the Court to the qualification certificates of the Principal to contend that the Principal is M.A. and B.Ed. and possess other relevant degrees and experience to be appointed as Principal.

15. As regards the objection in para V of the show cause notice that the salaries of the teachers are not being paid as per the State Govt. norms and through ECS mode, Mr. Singh submits that the payment of salaries is in accordance with Affiliation Bye-Laws, 2018, and the petitioner has completely transitioned to ECS mode for disbursement of all salaries.

16. On the other hand, Mr. Niyazi contends that the impugned order is well reasoned and speaking.

17. He contends that the salaries being paid by the petitioner to its teachers is much less than that of other counterpart in Government school.

18. He further contends that in the affidavit, no details of CTET qualification of any teacher, has been placed on record. He contends that in the staff statement for the academic session 2025-2026, annexed with the



affidavit dated 28.07.2025, not even a single teacher was shown as CTET qualified.

19. He further contends that even the staff statement filed unilaterally by the petitioner, in which few teachers are shown to be CTET qualified, the majority of such teachers were appointed only in the year 2025 i.e. subsequent to the impugned order dated 29.10.2024.

20. He further contends that the affidavit filed by the petitioner school acknowledges the past practice and employing unqualified teachers and paying salaries in cash.

21. In rejoinder, Mr. Singh contends that there is no requirement for CTET, whatsoever, for teachers teaching class IX and XII. In any case the teachers teaching class from I – X in the petitioner school, otherwise possess the CTET qualification.

22. I have heard Mr. Kirtiman Singh, learned senior counsel for the petitioner as well as Mr. M.A. Niyazi, learned counsel for the respondent.

23. As noted above, the challenge in the present petition is now confined only to the disaffiliation of secondary level, as the petitioner has given up challenge to the disaffiliation *apropos* senior secondary level.

24. During the course of arguments, the controversy was further narrowed down to the objections raised in paras V, VI and X of the show cause notice dated 13.09.2025, which reads as under:

“V. The School is not paying salary to the teachers and staff as per the State Govt norms. The salaries are very less and not being paid by the ECS mode violating Clause 5.2.2 and Clause 2.4.4 of the Affiliation Bye Laws, 2018.

VI. The name of the teachers did not match with the Acquaintance Roll, Attendance Register and web-site & OASIS. The School has not maintained the correct and proper teacher records. Sufficient and qualified teachers were not available on the day of inspection in the school.



On the day of the inspection only 5 teachers of class XI and XII were present which are the violations of Clause 11.1.2, 5.1, 5.2 and 5.4 of the Affiliation Bye Laws, 2018.

xxx

xxx

xxx

X. It has also been found that the school Principal is not qualified as per the established rules violating Clause 5.1 of the Affiliation Bye Laws, 2018.”

25. The petitioner filed an affidavit dated 28.07.2025 in respect of the deficiencies pointed out in paras V, VI and X of the show cause notice alongwith supporting documents.

26. As regards the deficiency mention in para V of the show cause notice that the school is not paying salary to the teachers and staff through ECS mode as per the State Govt norms, the petitioner in its affidavit has clarified that after the discrepancy was pointed out by the CBSE during inspection, the petitioner has completely transitioned to ECS mode for disbursement of all salaries, and the payment of salaries is being made strictly in accordance with the Affiliation Bye-Laws, 2018. The petitioner’s response in its affidavit with regard to the said deficiency, reads thus:

*“3. In reference to paragraph V of the Show Cause Notice, it is respectfully submitted that **the Petitioner school is making payment of salaries strictly in accordance with the Affiliation Bye-Laws, 2018, through the ECS (Electronic Clearing Service) mode.** The school had earlier made bonafide cash payments of salaries to contractual teachers up to November, 2024. **However, pursuant to the discrepancy noted by the Respondent during the inspection, the Petitioner has completely transitioned to ECS mode for disbursement of all salaries. As on date, no teacher is receiving salary in cash.** Copy account statements for the periods July 2024 to August 2024, along with the corresponding summary sheet, and May 2025 to July 2025, along with the summary sheet, are annexed herewith and marked as **Annexure A-1.**”*

(emphasis supplied)



27. This Court finds that the petitioner has buttressed its above contention with the statement of account of HDFC bank, which shows salaries to the teachers and staff are now being paid through ECS mode. Insofar non-payment of salaries as per the State Govt. norms is concerned, suffice it to state that the glaring deficiency pointed out in the inspection report and the show cause notice was the sponsoring of non-attending students in Class XI and XII, which was the primary cause that led to the passing of an order of disaffiliation. That apart, there is no elaboration in the show cause notice as to how the salaries are not being paid as per the State Govt. norms. Incidentally, in its affidavit, the Petitioner school has categorically stated the payment of salaries in being made strictly in accordance with the Affiliation Bye-Laws, 2018, which aspect has not been controverted by the respondent/CBSE.

28. In respect of the deficiency pointed out in para VI of show cause notice dated 13.09.2024 with regard to mismatch in the name of teachers and sufficient qualified teachers not being available on the day of inspection in the school, the petitioner has furnished the following justification in its affidavit dated 28.07.2025:

“4. In reference to paragraph VI of the Show Cause Notice, it is respectfully submitted that the teachers employed in the Petitioner school possess the requisite educational qualifications as prescribed under the Affiliation Bye-Laws. It is further submitted that the discrepancy in the teacher details arose due to the fact that the data on the OASIS portal had not been updated at the relevant time, which led to a mismatch with the records submitted by the Petitioner school. The Staff Statement, containing detailed information regarding the qualifications of the teachers for the academic years 2024–2025 and 2025–2026, is annexed herewith and marked as Annexure A-2.”



29. The staff statement for the year 2025-26 placed on record by the petitioner with its affidavit makes it plain that complete details of the teachers alongwith their qualification has been mentioned. A justification has also been given by the petitioner in the affidavit that the discrepancy in the teacher details arose due to the fact that the data on the OASIS portal had not been updated at the relevant time, which led to a mismatch with the records submitted by the Petitioner school. Mr. Kirtiman Singh also submitted that the records are now being properly maintained. Even the CBSE in its written submissions has taken a stand that the teachers who have been shown to be CTET qualified, majority of such teachers were appointed only in the year 2025 i.e. subsequent to the disaffiliation order dated 29.10.2024, which suggests that seemingly the objection as to qualification of teachers has ceased to exist.

30. Insofar as deficiency relating to the qualification of petitioner school's Principal as referred to in para X of the show cause notice dated 13.09.2024 is concerned, the petitioner has responded and clarified in respect of the same in para 5 and 6 of the affidavit dated 28.07.2025, which reads thus:

“5. In reference to paragraph X of the Show Cause Notice, it is respectfully submitted that the Petitioner school has appointed a duly qualified Principal in accordance with the applicable laws and bye-laws. In this regard, it is submitted that:

a. That the Respondent in its Show Cause Notice dated 13.09.2024 (Annexure P-8) alleged that the Principal of the Petitioner school is not qualified. The relevant portion of same reads as under:

“X. It has also been found that the school Principal is not qualified as per the established rules violating Clause 5.1 of the Affiliation Bye Laws, 2018.”

b. In reply to the same the Petitioner herein had placed on record the relevant documents evidencing the Principal's



qualifications in W.P. No. 3422/2025, specifically under Ground Q, as noted in the Impugned Order dated 04.04.2025 at page 52. The relevant portion of same reads as under:

“Q. BECAUSE the Impugned Show Cause Notice erroneously alleges that the Principal of the Petitioner school is not qualified, which is wholly incorrect and baseless. In this regard, kind attention is drawn to the inspection report, wherein the principal's qualifications are explicitly stated as M.A. and B.Ed., which are in full compliance with the recruitment rules for Kendriya Vidyalaya Sangathan, as stipulated in Clause 5 of the Affiliation Bye-Laws, 2018.

Copy of the certificates the principal of the Petitioner school is annexed herewith and marked as Annexure P-20. Copy of qualification for Principal as per Kendriya Vidyalaya Sangathan Rules is annexed herewith and marked as Annexure P21.”

c. In response, to the same Respondent in the Impugned Order dated 04.04.2025 in para Q (at page 58) merely stated that no such contention was raised. The relevant portion of same reads as under:

“Q. No such contention was raised in the Board's Order dated 29.10.2024”

d. The Petitioner reiterates that the appointed Principal is fully qualified and meets all requirements under the applicable regulations. The relevant degrees and qualification certificates of the Principal are annexed hereto and marked as Annexure A-3.

6. It is respectfully submitted that the Principal employed in the Petitioner school holds the qualification of a Post Graduate Teacher (PGT). In terms of the Gazette Notification dated 29.09.2022 bearing No. F.DE.2(8)(37)/E-II/2004/2336, the essential qualifications prescribed for appointment as a Post Graduate Teacher is holding a masters degree in subject and bachelors in education. Copy of the Gazette Notification dated 29.09.2022 bearing No. F.DE.2(8)(37)/E-II/2004/2336 is annexed herewith and marked as Annexure A-4.”

(emphasis supplied)



31. As per Clause 5.1 of the Affiliation Bye Laws, 2018 read with Recruitment Rules for Teaching Staff of Kendriya Vidyalaya Sangathan the requisite qualification for an appointment of Principal in any school is Master's Degree with at least 50% marks from Recognized University and Bachelor Degree in Education (B.Ed.) with at least 50% marks from NCTE Recognized Institute/University. The qualification certificates of Ms. Rekha Rani, the Principal of the petitioner's school, which are annexed to the affidavit, manifest that the Principal has qualified M.A. with more than 50% marks and has further qualified B.Ed. from Maharishi Dayanand University, Rohtak in First Division. Thus, the Principal possess the relevant qualification and degrees to be appointed as Principal.

32. An overall conspectus of the inspection report; show cause notice dated 13.09.2024; the disaffiliation order dated 29.10.2024 and the impugned order dated 04.04.2025 shows that the major deficiency pointed out was with regard to exponential disproportionate increase in the number of candidates from Class X to XI and Class XI to XII, as well as, sponsoring of dummy/un-attending students in Class XI and XII. Since the allegation of sponsoring/dummy/non-attending students is only in respect of Class XI and XII, the said allegation need not be adverted to, as the petitioner has given up its challenge insofar as disaffiliation of senior secondary level is concerned.

33. On the limited challenge to the disaffiliation of secondary level and that too confined to the deficiencies pointed out in paras V, VI and X of the show cause notice, this Court finds that insofar as the said deficiencies are concerned, the petitioner has filed an affidavit and placed material on record which *prima facie* shows that the deficiencies have either been cured or the



petitioner is in the process of curing the same. In any case, the deficiencies pointed out are curable.

34. It needs no emphasis that the order of disaffiliation not only affect the school but also the students who are equal stakeholders. To borrow the words from the decision in **CBSE v. Mount Columbus School and Ors.**,¹ *the approach of the school and the CBSE should be to ensure the conformity with Rules and Regulations rather than to close the school.* Though nothing prevents CBSE from imposing severest penalty of disaffiliation if the deficiency is so glaring that it warrants such an extreme action.

35. In the facts and circumstances of the present case, this Court is of the view that further continuation of disaffiliation of the petitioner school for the secondary level (class IX and X) is unwarranted. Notably, disaffiliation up to secondary level was otherwise, for a period of one academic year, which is about to lapse in the month of March, 2026.

36. Accordingly, the impugned order dated 04.04.2025 withdrawing provisional affiliation to the extent of secondary level is set aside with liberty to the CBSE to re-inspect the petitioner school after six weeks.

37. If the CBSE finds any defects/deficiencies, the same shall be notified to the petitioner, who shall endeavour to remove such defects and deficiencies within further period of one month. Thereafter, if deficiencies persist, the CBSE shall be at liberty to take action in accordance with law.

38. The petition is partly allowed in the above terms.

39. Pending applications stand disposed of.

VIKAS MAHAJAN, J

DECEMBER 13, 2025/jg

¹ 2024 SCC OnLine Del 5285 [DB]