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

+ **W.P.(C) 6446/2025 & CM APPL. 29367/2025**

SMT. SUSHMITA SINGH

.....Petitioner

Through: Mr. Sanjay Sharawat, Senior Advocate with Mr. Chandra Shekhar Singh and Mr. Ayush Aanand, Advocates.

Versus

DIRECTORATE OF EDUCATION & ANR.

.....Respondent

Through: Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi, Mr. Bhuwan Raj Seth & Ms. Arpita Goyal, Advocates for R-1/DoE.
Mr. Mukesh Bhardwaj, Manager of R-2-School.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.10.2025

1. This writ petition has been filed under Article 226 of the Constitution, for the following reliefs:

“[a] Issue a writ of mandamus or any other appropriate writ, order, or direction directing the Respondents to release and disburse to the Petitioner her monthly salary from 28.06.2024 onwards, along with accrued salary arrears, in accordance with her legal entitlement;

[b] Issue a writ of mandamus or any other appropriate writ, order, or direction directing the Respondents to pay to the Petitioner her full salary (minus subsistence allowance already paid) for the period 20.06.2021 to 27.06.2024, as the continued suspension beyond the initial six-month period was ultra vires Rule 115(2) of the Delhi School Education Rules, 1973 and thereby unlawful;



*[c] Award costs of present proceedings in favour of the Petitioner; and
[d] Pass such other and further order(s) as may be deemed just and proper in the facts and circumstances of the case, in the interest of justice.”*

2. The petitioner is serving as Post Graduate Teacher (English) in the respondent No. 2 – V. S. Agriculture Senior Secondary School [“the School”]. She was suspended by order dated 18.02.2021, with effect from 18.12.2020 until further orders. It is the contention of the petitioner that the suspension was never extended, and therefore stood lapsed on 20.06.2021, even though it was formally revoked only on 27.06.2024.
3. It is stated by Mr. Sanjay Sharawat, learned Senior Counsel for the petitioner, that the petitioner was served with a chargesheet on 06.01.2022, but no inquiry proceedings have been initiated against her since.
4. The petitioner’s grievance in this petition is that her suspension having lapsed on 20.06.2021, she was entitled to be paid full salary from 20.06.2021 onwards, even during the period she was not allowed to work, but has been paid only 75% of the salary amount and in fact, continues to be paid only 75% of the regular salary even now. Mr. Sharawat states that subsistence allowance was paid at the rate of 50% of the salary until filing of the writ petition, but arrears at the rate of 25% have been paid thereafter.
5. While issuing notice on 15.05.2025, the respondents were directed to file their counter affidavits positively within four weeks. The Registrar thereafter granted further time for filing of the counter affidavits, by order dated 03.07.2025. The affidavit has still not been filed by DoE, despite the passage of five months since order dated 15.05.2025. It is therefore



not considered appropriate to grant further time at this stage.

6. I have heard Mr. Sharawat, Mr. Yeeshu Jain, learned Additional Standing Counsel for Directorate of Education [“DoE”], and Mr. Mukesh Bhardwaj, Manager of the School, who appears in person.

7. The facts are largely undisputed. The petitioner was suspended by the order dated 18.02.2021 until further orders. The counter affidavit filed by the School does not indicate that the suspension was ever continued by any resolution of the Managing Committee. The School did not, however, permit the petitioner to rejoin the service until 27.06.2024.

8. The maximum period for which an order of suspension can remain in effect without extension is provided in Rule 115(2) of the Delhi School Education Rules, 1973, as follows:

“115(2) No order for suspension shall remain in force for more than six months unless the managing committee, for reasons to be recorded by it in writing, directs the continuation of the suspension beyond the period of six months :

Provided that where a suspension is continued beyond a period of six months, the Director may, if he is of opinion that the suspension is being unreasonably prolonged, revoke the order of suspension.”

9. By operation of law, in absence of any extension by the Managing Committee of the School, the order of suspension ceased to have effect from 20.06.2021, as claimed by the petitioner. The consequence is that the petitioner was entitled to her full pay and allowances thereafter. Reference in this connection may be made to the Full Bench decision of this Court in *Delhi Public School & Anr. v. Director of Education* [2003 (67) DRJ 419 (FB)], which deals with a situation of suspension, when the request for approval of the suspension order remains pending with DoE beyond the period of 15 days, provided in Section 8(4) of the Delhi



School Education Act, 1973. The Full Bench has held that in such circumstances, the employer cannot be compelled to take work from the employee, but the employee would be entitled to full pay and allowances. In the present case, although in a slightly different factual context, the same principle applies.

10. Mr. Jain submits that tasks of extension of suspension, and seeking approval of DoE was to be undertaken by the School. He further submits that the School being an aided school, DoE ought not to be met with consequences of the School's inaction. He also submits that the revocation of suspension in June 2024, was also without approval of DoE. Mr. Bhardwaj, in this regard, submits that DoE has been approached for approval, but the file remains pending.

11. I am of the view that the question of whether the petitioner's suspension has been rightly revoked, does not fall for consideration in this writ petition, as it is the admitted position that the suspension was never extended after the lapse of the original period of six months provided under Rule 115(2). In such circumstances, the suspension lapsed by efflux of time, and the petitioner became entitled to her full pay, even if the School was not taking any work from her.

12. In view of the above, the respondents are directed to pay the balance amount due to the petitioner from 20.06.2021 onwards, after adjusting the subsistence allowance already paid.

13. Although there is some dispute between the School and DoE with regard to responsibility for this situation, I am of the view that such an *inter se* dispute cannot defeat the rights of the petitioner. DoE and the School are therefore directed to make the aforesaid payment to the



petitioner in the proportion of 95% and 5% respectively, which is the regular distribution of liabilities towards salaries. However, this will not preclude the respondents from any claims against each other in respect of the amounts disbursed to the petitioner.

14. As indicated above, this Court has also not commented upon the validity of the revocation orders, nor are the respondents foreclosed from taking any fresh action against the petitioner, if permissible in law. Henceforth, subject to further action that may be taken, the petitioner will be entitled to her full salary, and arrears be paid within a period of eight weeks from today.

15. The writ petition, alongwith pending application, is disposed of in these terms.

PRATEEK JALAN, J

OCTOBER 16, 2025
UK/PV/AD/