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

+ CONT.CAS(C) 995/2022

POOJA MAHAJAN

.....Petitioner

Through: Mr. Khagesh B. Jha, Ms. Shikha Sharma Bagga, Mr. Ankit Mann and Ms. Jyoti Shokeen, Advocates.

versus

NIDHI GUPTA AND ORS

.....Respondents

Through: Ms. Anjana Mishra, Senior Advocate, Mr. Vedanta Varma, Advocate, Mr. Shubhankar Choudhary, Advocates for R-1.

Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi, Mr. Aveeraj Sharma Ms. Priya Shukla, Advocate for Respondent DOE (Department of Education).

+ CONT.CAS(C) 1000/2022

DEEPIKA GULATI AND ANR

.....Petitioners

Through: Mr. Khagesh B. Jha, Ms. Shikha Sharma Bagga, Mr. Ankit Mann and Ms. Jyoti Shokeen, Advocates.

versus

MS. NIDHI GUPTA AND ORS

.....Respondents

Through: Ms. Anjana Mishra, Senior Advocate, Mr. Vedanta Varma, Advocate, Mr. Shubhankar Choudhary, Advocates for R-1.

Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi, Mr. Aveeraj Sharma Ms. Priya Shukla, Advocate for Respondent DOE (Department of Education).

+ CONT.CAS(C) 1001/2022

DISHANT SINGH RAJAWAT

.....Petitioner

Through: Mr. Khagesh B. Jha, Ms. Shikha



Sharma Bagga, Mr. Ankit Mann and
Ms. Jyoti Shokeen, Advocates.

versus

MS NIDHI GUPTA AND ORS

.....Respondents

Through: Ms. Anjana Mishra, Senior Advocate,
Mr. Vedanta Varma, Advocate, Mr.
Shubhankar Choudhary, Advocates
for R-1.

Mr. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Mr. Aveeraj Sharma Ms. Priya
Shukla, Advocate for Respondent
DOE (Department of Education).

+ CONT.CAS(C) 1004/2022

RITU GOEL

.....Petitioner

Through: Mr. Khagesh B. Jha, Ms. Shikha
Sharma Bagga, Mr. Ankit Mann and
Ms. Jyoti Shokeen, Advocates.

versus

MS NIDHI GUPTA AND ORS

.....Respondents

Through: Ms. Anjana Mishra, Senior Advocate,
Mr. Vedanta Varma, Advocate, Mr.
Shubhankar Choudhary, Advocates
for R-1.

Mr. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Mr. Aveeraj Sharma Ms. Priya
Shukla, Advocate for Respondent
DOE (Department of Education).

+ CONT.CAS(C) 1005/2022

MEENAKSHI NARANG

.....Petitioner

Through: Mr. Khagesh B. Jha, Ms. Shikha
Sharma Bagga, Mr. Ankit Mann and
Ms. Jyoti Shokeen, Advocates.

versus

MS. NIDHI GUPTA AND ORS

.....Respondents

Through: Ms. Anjana Mishra, Senior Advocate,
Mr. Vedanta Varma, Advocate, Mr.
Shubhankar Choudhary, Advocates



for R-1.

Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi, Mr. Aveeraj Sharma Ms. Priya Shukla, Advocate for Respondent DOE (Department of Education).

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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24.07.2025

1. The present Contempt Petitions have been filed for initiating contempt proceedings against the respondents for disobedience of the Orders passed by this Court in LPA 439/2024, LPA 440/2021, LPA 441/2021 & LPA 442/2021 & LPA 470/2021.

2. On 24.07.2025, this Court in LPA 470/2021 has passed the following Order:-

“3. The grievance of the Appellants herein before the learned Single Judge was non-payment of the benefits under the 7th CPC. The learned Single Judge by the Order impugned herein had directed the Teachers/ Appellants herein to approach the School for a decision as to whether the Teachers are entitled to the benefit of 7th CPC or not.

3. This Court does not find any error in the Order passed by the learned Single Judge.

5. However, learned Counsel for the Appellants/Teachers state that the Appellants herein have been able to obtain certain information under the Right to Information Act, 2005 stating that the Appellants herein are the regular employee and that they would be entitled to the benefit of 7th CPC. A Status Report has also been filed by the Respondent stating that the said information was not furnished by the Directorate of Education.

6. Learned Counsel for the Respondent has produced a Status Report which reveals that an



enquiry was conducted in accordance with the directions passed by this Court on 11.10.2023. The conclusion of the enquiry report reads as under:

“Summary Conclusive observation of DDE Zone-17/Committee,

➤ The petitioners/complainants as well as respondent school failed to produce any appointment letter/contract letter, hence the viability in regard to appointment of teachers/petitioners whether they are regular or contractual cannot be ascertained.

➤ As per the version of the respondent school, the concerned teachers/petitioners are contractual teachers. Hence as per rule they are not entitled to get the benefits under 6th & 7th CPC.

➤ It is the fact that the due arrears of the petitioners for intervening period based on the basic salary previously paid and accordingly calculated and paid the arrears which were duly verified and vetted by Senior Account Officer, West-B.

The management of the school is directed to hand over the documents, if any, as alleged by the petitioner that the original documents of the staff are kept in the custody of the respondent school.”

7. In view of the fact that the Directorate of Education has already conducted an enquiry and reviewed the matter, instead of directing the Appellants to approach the School, this Court finds it expedient to direct the Appellants to approach the Directorate of Education raising its grievances. The Directorate of Education is directed to treat the Writ Petition of the Teachers as representation and decide the case of the Appellants herein within six weeks from today as to whether the Appellants are entitled to the benefit of 7th CPC or not.



8. Looking at the fact that the Writ Petition was filed in the year 2021 and four years have passed, the Directorate of Education is directed to strictly adhere to the timeline given by this Court and decide the case of the Appellants herein within six weeks from today.

9. It is also made clear that this Court has not made any observations on the merits of the case.

10. The School is directed to co-operate in the proceedings by providing all the documents as asked for by the Directorate of Education.

11. Let a copy of the Writ Petition be provided to the Directorate of Education within three days from today.

12. With these observations, the Appeal is disposed of, along with the pending applications, if any.”

3. On 24.07.2025, this Court in LPA 439/2024, LPA 440/2021, LPA 441/2021 & LPA 442/2021 has passed the following Order:-

“2. Learned Counsel for the Appellant states that the Respondent is not entitled to the benefit of 6th CPC/7th CPC for the reason that she has not been appointed in accordance with the recruitment rules and that she is not qualified for such an appointment.

3. A perusal of the Impugned Order shows that this contention was not raised before the learned Single Judge and, therefore, this argument cannot be permitted to be taken for the first time before the Division Bench.

4. Confronted with this, learned Counsel for the Appellant seeks permission to withdraw the present appeal with liberty to file a Review Petition.

5. Learned Counsel for the Appellant has drawn the attention of this Court to the Order dated 18.11.2021, passed by this Court. Relevant portion of the said Order reads as under:

“8. Given the aforesaid circumstances, Mr. Bajaj says that the appellant school, for the moment, will pay dues to the respondent i.e., Ms. Ritu



Goel, as indicated in the first part of paragraph 7 of the impugned order i.e., the part which concerns arrears of salary for the period spanning between February 2020 and March 2021, with interest, as applicable.

8.1. Mr. Bajaj says that the amount due will be remitted to the respondent/Ritu Goel, before the next date of hearing.”

6. Learned Counsel appearing for the Respondent/Teacher states that in view of the fact that the School had agreed to make the payments of the Teachers before this Court, the Writ Petition was withdrawn by the Appellant.

7. A perusal of the said Order shows that the School had agreed to make payments only for the period between February 2020 to March 2021 and were subject to the final adjudication of the said appeal.

8. In this view of the matter, this Court is inclined to grant liberty to the Respondent to revive the Writ Petition.

9. Liberty is also granted to the Appellant to take steps in accordance with law.

10. It is made clear that since the present appeal has been filed bona fide, the Appellant will be entitled to the benefit of Section 14 of the Limitation Act.

11. With these observations, the appeal is disposed of, along with the pending applications, if any.”

4. It is the case of the Petitioners that the said Orders can be divided into two parts, the first part being non-payment of salary and the second part



being grant of benefits under the 6th and 7th CPC.

5. On the aspect of non-payment of salary, it is the case of the Petitioners that the said Order has not been complied with. This fact is denied by the School stating that the entire payment has been made.

6. On the second aspect of extending the benefits of 6th and 7th CPC, the school has been permitted to withdraw the LPA and file an appropriate Petition in the nature of review to demonstrate that the teachers are not entitled to the benefits of 6th and 7th CPC as they are only contractual employees who have not been appointed in a manner as provided under the Delhi School Act, 1992.

7. The Directorate of Education is directed to ascertain as to whether the arrears of salary (not including the benefits of 6th and 7th CPC) have been paid to the Teachers or not. On the aspect as to whether the Teachers are entitled to the benefits of 6th and 7th CPC, the Teachers will have to await the decision of the learned Single Judge in the Review Petition, which is now sought to be filed by the School.

8. With these observations, the Petitions are disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

SAURABH BANERJEE, J

JULY 24, 2025

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