



2025:DHC:4805



\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Decided on: 30.05.2025***

+ W.P.(C) 8105/2025 and CM APPL. 35432/2025

PRAKASH CHAND & ANR.Petitioners
Through: Mr. Ravin Rao, Advocate.

versus

JAI HIND PUBLIC SCHOOL THROUGH ITS PRINCIPAL
AND OTHERSRespondents
Through:

CORAM:**HON'BLE MR. JUSTICE PRATEEK JALAN****PRATEEK JALAN, J. (ORAL)****CM APPL. 35431/2025 (for exemption)**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 8105/2025

1. The petitioners have approached this Court under Article 226 of the Constitution, assailing an order dated 21.04.2025 passed by the Delhi School Tribunal ["Tribunal"] in separate appeals filed by them, by which their applications for condonation of delay in filing the appeals have been rejected. In the writ petition, the period of delay is stated to be 1521 and 1513 days, respectively.
2. The petitioners were appointed as Trained Graduate Teachers ["TGT"] with respondent No. 1 – Jai Hind Public School ["School"] on 01.07.2011 (for petitioner No. 1) and 01.11.2011 (for petitioner No.2).



Their grievance is that they were allegedly denied entry to the School with effect from 26.04.2018 and 03.05.2018, respectively. They filed Right to Information [“RTI”] applications, lodged complaints with the police, and made representations to the Chief Minister and the Deputy Chief Minister of Delhi, as well as to the Central Board of Secondary Education [“CBSE”] and the Directorate of Education [“DoE”], Government of National Capital Territory of Delhi, during the year 2018, which were followed up until the year 2022.

3. On 23.09.2022, they filed appeals before the Tribunal, which were dismissed by the impugned orders, by rejecting the applications for condonation of delay.

4. I have heard Mr. Ravin Rao, learned counsel for the petitioners.

5. Although the only question to be decided in this writ petition is whether the applications for condonation of delay have rightly been rejected, curiously, neither the appeals nor the applications for condonation of delay were filed with the writ petitions. Pursuant to the directions of the Court, two applications, affirmed by affidavits dated 21.08.2023 and 18.08.2023 respectively, have been produced and are taken on record.

6. The applications for condonation of delay are substantially similar. In the applications, the petitioners’ averments regarding the length of delay are inconsistent. Although the heading and prayer clause of the applications mention delay of 1561 days, the Tribunal has rightly noted that in the affidavit supporting the applications, the delay has been computed as 1511 days in each case. The writ petition, in turn, computes the delay at 1521 days and 1513 days.



7. The applications reveal that the applicants were not allowed to enter the School on 03.05.2018. They filed RTI applications with the DOE on 25.05.2018 and with the CBSE on 28.05.2018. They thereafter made complaints to the concerned SHO and DCP on 06.07.2018 and 08.08.2018, but were dissatisfied with the inaction of the State authorities. The petitioners thereafter approached the offices of the Chief Minister and the Deputy Chief Minister of Delhi, the Secretary of CBSE and the DoE on 21.08.2018.

8. It is contended that the Chief Minister's Office took cognizance of their complaints on 04.09.2018 and that they were called to the police station on 12.11.2018. The petitioners claimed to have received follow-up calls from the Chief Minister's Office on 12.12.2018 and 19.12.2018, culminating in a meeting under the aegis of the DoE on 16.01.2019.

9. Further complaints and RTI applications were made on 30.01.2019, 09.09.2019 and 04.11.2019. The petitioners submit that they were subsequently unable to take action due to the COVID-19 pandemic and eventually filed the appeals in September 2022.

10. Section 8(3) of the Delhi School Education Act, 1973, prescribes a limitation period of three months for filing an appeal before the Tribunal. The provision reads as follows:

"8(3) Any employee of a recognised private school who is dismissed, removed or reduced in rank may, within three months from the date of communication to him of the order of such dismissal, removal or reduction in rank, appeal against such order to the Tribunal constituted under section 11."

11. The Tribunal rejected the applications on the ground that insufficient cause had been shown. In addition to the grounds recorded



above, the Tribunal noted an averment that the delay was caused by financial crisis. No such averment finds place in the applications filed in August/ September 2023, which have been handed over by learned counsel for the petitioners. However, I proceed on the basis that applications were filed earlier, where a plea was taken of financial difficulties.

12. The Tribunal found the petitioners' explanations – both with regard to their financial situation, and adoption of alternative grievance redressal mechanisms - lacking in credibility, particularly since they were actively pursuing remedies with administrative authorities during the relevant period. Relying upon several authorities on the question of condonation of delay, the Tribunal has found the cause shown by the petitioners to be insufficient.

13. In adjudicating applications for condonation of delay, the Court generally adopts a liberal approach. A somewhat flexible approach may be justified, particularly when an employee seeks to exercise a statutory right of appeal against an order of dismissal. However, statutory prescriptions of limitation periods cannot be ignored altogether. An unduly lenient approach tends to interfere with vested rights of the opposing party, who is entitled to consider the dispute as closed in the absence of a timely challenge to an administrative or judicial order. The length of delay and the justification shown, have therefore to be carefully assessed.

14. The judgment of the Supreme Court in *Balwant Singh v. Jagdish*



Singh¹ explains this approach as follows:

*“25. We may state that **even if the term “sufficient cause” has to receive liberal construction, it must squarely fall within the concept of reasonable time and proper conduct of the party concerned.** The purpose of introducing liberal construction normally is to introduce the concept of “reasonableness” as it is understood in its general connotation.*

*26. The law of limitation is a substantive law and has definite consequences on the right and obligation of a party to arise. These principles should be adhered to and applied appropriately depending on the facts and circumstances of a given case. Once a valuable right has accrued in favour of one party as a result of the failure of the other party to explain the delay by showing sufficient cause and its own conduct, it will be unreasonable to take away that right on the mere asking of the applicant, particularly when the delay is directly a result of negligence, default or inaction of that party. Justice must be done to both parties equally. Then alone the ends of justice can be achieved. **If a party has been thoroughly negligent in implementing its rights and remedies, it will be equally unfair to deprive the other party of a valuable right that has accrued to it in law as a result of his acting vigilantly.***

*27. The application filed by the applicants lacks in details. Even the averments made are not correct and ex facie lack bona fide. **The explanation has to be reasonable or plausible, so as to persuade the Court to believe that the explanation rendered is not only true, but is worthy of exercising judicial discretion in favour of the applicant.** If it does not specify any of the enunciated ingredients of judicial pronouncements, then the application should be dismissed. On the other hand, if the application is bona fide and based upon true and plausible explanations, as well as reflects normal behaviour of a common prudent person on the part of the applicant, the Court would normally tilt the judicial discretion in favour of such an applicant. Liberal construction cannot be equated with doing injustice to the other party.”²*

15. In a recent judgment, in *H. Guruswamy v. A. Krishnaiah*³, the Supreme Court elaborated that:

“15. The rules of limitation are not meant to destroy the rights of

¹ (2010) 8 SCC 685

² Emphasis supplied.

³ 2025 SCC OnLine SC 54



parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.

16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. **Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations.** While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.”⁴

16. Applying these balancing principles to the facts of this case, I do not find any ground for interference with the impugned judgment of the Tribunal. The delay in filing the appeals, of over 1500 days, is egregious and warrants a strong and credible justification, which the petitioners have failed to provide.

17. The Tribunal has rightly noted that the petitioners had the means and ability to approach various administrative authorities, including Office of Chief Minister and Deputy Chief Minister of Delhi, CBSE and the DoE during the period until November, 2019. The petitioners also sought to lodge more than one criminal complaint during this time. This shows that they were sufficiently well-placed, both financially and otherwise, and would have had the ability to access legal advice.

18. The petitioners could have well used this time of more than one



and a half years to invoke the statutory remedy of appeal available to them. Having chosen instead to adopt other methods of grievance redressal, they cannot seek judicial resolution at this belated stage.

19. The petitioners have also referred to the COVID-19 pandemic as a reason for further delay. In the petitioners' case, the period of limitation available to them had lapsed in August 2018, long before the onset of the pandemic. Further, even the orders of the Supreme Court *In Re: Cognizance for Extension of Limitation*⁵, extending the period of limitation during the COVID-19 pandemic, do not come to their aid, as far as the petitioners' filing of the appeal in September 2022 is concerned. By orders dated 23.03.2020 read with 10.01.2022 in the *suo moto* writ petition, the Court made it clear that proceedings would have to be instituted within three months after 28.02.2022. Even assuming *arguendo* that the petitioners were entitled to the benefit of extension granted by the Supreme Court – which, in my view, they were not – they failed to file their appeals even within the extended period.

20. For the reasons aforesaid, the petitioners have failed to make out any case for interference with the Tribunal's orders in exercise of the writ jurisdiction of this Court. The writ petition, alongwith the pending application, therefore stands dismissed.

PRATEEK JALAN, J

MAY 30, 2025/UK/sd

⁴ Emphasis supplied.

⁵ *Suo Motu Writ Petition (Civil) No. 3/2020*