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

+ W.P.(C) 8323/2025

DR. ZAKIR HUSSAIN MEMORIAL
SCHOOL KI KARYAKARINI

.....Petitioner

Through: Mr. Arjun Kakkar, Advocate.

versus

DIRECTOR OF EDUCATION & ANR.

.....Respondents

Through: Mrs. Avnish Ahlawat, SC with Ms.
Aliza Alam, Advocate for R1.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

15.09.2025

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1. The petitioner – Dr. Zakir Hussain Memorial School Ki Karyakarini ['School'], a registered society, is a linguistic minority educational institution. This writ petition, under Article 226 of the Constitution, concerns a proposed recruitment of teaching and non-teaching staff by the School.
2. The School had forwarded a proposed recruitment advertisement to the respondent No. 1 – Directorate of Education ["DOE"], in respect of which it received certain communications from DoE. According to the School, the actions of DoE are *ultra vires* its powers in respect of recruitment by minority educational institutes.
3. The School has, therefore, filed this writ petition, seeking the following reliefs:



“A. Issue an appropriate writ, direction or order directing that DoE has no jurisdiction to intercede in the recruitment process of the Petitioner, thereby setting aside/quashing communication dated 27.08.2024, 27.03.2025 and 14.05.2025 ; AND/OR

B. Issue an appropriate writ, direction or order directing that the Petitioner is entitled to fill up vacancies through direct recruitment irrespective of clearance from DoE in accordance with Rule 127 of the Delhi Education Rules, 1973; AND/OR

C. Issue an appropriate writ, direction or order directing DoE to fully cooperate to ensure that there is no delay in recruitment process and nominations in terms of Rule 96 of the Delhi Education Rules, 1973 thereby directing the Respondent to ensure the compliance in a time bound manner AND/OR

D. Pass any other or further orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of this case.”

4. Subsequent to the filing of the writ petition, the School received a communication dated 17.07.2025 from DoE, referring to its earlier correspondence dated 26.10.2024, and raising objections to the School’s proposed advertisement. The communication further stated that the DoE was considering a proposal to fill vacancies in Government-aided schools through the Delhi Subordinate Services Selection Board [‘DSSSB’], and directed the School not to proceed with the recruitment process.

5. By order dated 22.08.2025, the School was permitted to amend the writ petition to assail the aforesaid order dated 17.07.2025. Accordingly, along with the amended writ petition, the School has annexed a revised proposed advertisement [Annexure P-13 to the amended writ petition], which contains the qualifications, experience criteria, and age limits for the candidates.

6. The DoE has filed an additional affidavit dated 03.09.2025, in which it appears that the objections raised pertain *inter alia* to the original advertisement rather than the proposed advertisement. This is clear from paragraph 20 of the affidavit, which again refers to the absence of age



limits, prescribed qualifications, experience weightage, and other relevant details in the draft advertisement. It may be noted that in its affidavit, the DoE has made reference to various requirements concerning the provisions of reservation, applicable recruitment rules, and so on. Mr. Arjun Kakkar, learned counsel for the School, further submits that, the objections in paragraph 20 of the affidavit are not confined to those raised in the communication dated 17.07.2025.

7. In the counter affidavit, the DoE has, however, not pressed the proposal for recruitment through the DSSSB. Ms. Ahlawat, learned Standing Counsel for the DoE, confirms that the proposal for recruitment through DSSSB is not being advanced at this stage.

8. In these circumstances, I am of the view that it is appropriate to remand the matter to the DoE for reconsideration, with regard to the revised proposed advertisement [Annexure P-13 to the amended writ petition], DoE must endeavour to ensure that the decision taken afresh, is in consonance with the judgments of this Court regarding the scope of interference in the recruitment process of minority educational institutions, including, *inter alia*, the decision of a Co-ordinate Bench in *Delhi Tamil Education Association v. Director of Education & Ors.* [W.P.(C) 15276/2023, decided on 28.05.2024] [hereinafter “*Delhi Tamil Education Association*”], as upheld by the Division Bench *vide* judgment dated 22.07.2024 in LPA 642/2024. The Supreme Court, by order dated 06.12.2024, dismissed the Special Leave Petition against the said judgment [SLP(C) 28295/2024].

9. The DoE is directed to pass a reasoned order within two weeks from today, in accordance with law. The petitioner – School may also be



called for clarification, if necessary. The rights and remedies of the parties remain reserved.

10. The writ petition is disposed of in these terms

PRATEEK JALAN, J

SEPTEMBER 15, 2025

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