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

+ **W.P.(C) 12735/2023**

RITU SURI AND ORS.

.....Petitioners

Through: Mr. Viraj Datar, Senior Advocate
with Mr. Jeevesh Mehta, Ms. Neha
Warrier and Mr. Srikant Singh,
Advocates.

versus

**POORNA PRAJNA PUBLIC
SCHOOL AND ORS.**

.....Respondents

Through: Ms. Surbhi Mehta, Advocate for
R-1.
Ms. Latika Choudhury, Advocates
for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.08.2025

**CM APPL. 51524/2025 (for early hearing) & CM APPL. 51679/2025
(for early hearing)**

These are identical applications for early hearing of the writ
petition.

In view of the averments in the applications, and the contents of the
counter affidavit, the applications are allowed, and the writ petition is
taken up on Board for hearing, with the consent of learned counsel for the
parties.

W.P.(C) 12735/2023

1. The petitioners are teachers in respondent No. 1–Poorna Prajna
Public School [“the School”]. They claim arrears of salary computed in
accordance with the 7th Central Pay Commission [“CPC”], relying upon



Section 10 of the Delhi School Education Act, 1973 [“DSEA”].

2. Mr. Viraj Datar, learned Senior Counsel for the petitioners, submits that this Court has upheld such claims in several judgments, including a recent Division Bench judgment in *Ahlcon Public School v. Omita Mago and Others* [2023 SCC OnLine Del 368] [hereinafter, “*Omita Mago*”]. In *Omita Mago*, it was held as follows:

“9. Admittedly, the Appellant School is governed by the Delhi School Education Act, 1973 and Section 10 of the Act applies with all force. **Paucity of funds cannot be a ground for permitting the school not to pay the emoluments to its employees.** The said issue has been dealt with and has been answered against the schools in several judgments passed by this Court [Refer to: *Kuttamparampath Sudha Nair v. Managing Committee Sri Sathya Sai Vidya Vihar*, W.P.(C) 928/2019 decided on May 06, 2021; *Shashi Kiran v. Siiftlltarth International Public School*, W.P.(C) No. 2734/2021 and *Amrita Pritam v. S. S. Mota Singh Junior Model School*, W.P.(C) 1335/2019 decided September 22, 2021; *Shikha Sharma v. Guru Harkrishan Public School*, W.P.(C) 3746/2020, decided on November 16, 2021].

10. All these judgments categorically negate the contention raised by the schools that they could not pay the teachers due to paucity of funds.”

[Emphasis supplied.]

3. The matter was thereafter carried to the Supreme Court in Special Leave Petition (Civil) Diary No. 5353/2023. By order dated 13.10.2023, the Supreme Court clarified as follows:

“2. **We are not inclined to interfere with the judgment impugned herein under Article 136 of the Constitution of India.**

3. At this stage, Mr. S. Niranjan Reddy, learned Senior counsel appearing for the petitioner, submits that the private respondents have filed a contempt petition against the petitioner – school, which is listed on 06th November, 2023. He submits that the petitioner – school is trying to find ways and means to pay the amount as directed in the impugned judgment, but having regard to the huge amount, **an order may be required for staggered payment, for which, the petitioner – school propose to move an application before the High Court.** It is requested that in the meantime, no precipitated steps be taken by the



private respondents.

4. Learned counsel, who appears on caveat for the private respondents, assures this Court that the contempt petition listed before the High Court on 06th November, 2023 will not be pressed for a period of four weeks, to enable the petitioner to move an appropriate application seeking an order for staggered payment of the amounts payable to the private respondents under the 7th Central Pay Commission.

5. By binding the private respondents to the aforesaid condition, the petition for Special Leave to Appeal is dismissed.

6. Pending applications are disposed of.”

[Emphasis supplied.]

4. Ms. Surbhi Mehta, learned counsel for the School, on the other hand, submits that the issue of liability on private schools to pay 7th CPC salaries under Section 10 of the DSEA, is pending consideration before the Supreme Court in *Greenfields Public School v. Anchla & Ors.* [Special Leave Petition (Civil) Diary No. 48722/2023] [hereinafter, “*Greenfields Public School*”], in which the Supreme Court, by order dated 02.01.2024, directed as follows: -

“7. Taking note of above submission, subject to the petitioner depositing 25% of the arrears payable to the concerned writ petitioners in WP (C) No.6521/2021 in the High Court, notice returnable in four weeks is issued. The petitioners are granted eight weeks’ time to compute and deposit the arrear sum in the Registry of the High Court. The writ petitioners in the High Court are at liberty thereafter to receive the amount, as per their entitlement. Subject to the aforesaid deposit of 25%, the payment of the remaining part of the arrears shall remain stayed.

8. However, this limited intervention should not be understood as restraining the High Court from continuing with the ongoing group cases.”

5. The order of the Supreme Court dated 04.08.2025, in *Apeejay School v. Charu Lata Matta* [Special Leave to Appeal (C) No(s).20742/2025] [hereinafter, “*Apeejay School*”] is also to similar



effect.

6. It is clear from the above order of the Supreme Court dated 13.10.2023 that the judgment of the Division Bench in *Omita Mago* has attained finality, subject to liberty having been granted to the School to move an application for staggered payments. The Supreme Court, in *Greenfields Public School* and *Apeejay School*, while issuing limited interim orders, has also not stayed the judgments. To the contrary, it has been expressly indicated that this Court need not keep pending matters in abeyance, on the ground of pendency of the petitions before the Supreme Court.

7. In these circumstances, it is apparent that the issues raised by the petitioners in this case, are covered in their favour, by the judgments of the Division Bench, which are binding on me, including those cited above. However, necessary directions must be given for proper quantification of amounts, and for the School to propose staggered payments. As far as these aspects are concerned, as no legal issue remains to be decided, I am of the view that it would be appropriate to leave the matter to the regulator – Directorate of Education [“DoE”], at the first instance.

8. The writ petition is therefore disposed of with the following directions:

- a. The petitioners and the School are directed to place their respective computation of dues in respect of each of the petitioners, on the basis of applicability of the 7th CPC recommendations, before the DoE within six weeks from today.
- b. The School will also make its submission as to the staggered



payments which it proposes to make, and the petitioners may respond to the same within four weeks thereafter.

- c. The DoE will hold a meeting with the petitioners and the representatives of the School to reconcile any disputes as to quantification of the dues, and also direct appropriate modalities of payment, having regard to the facts and circumstances of the case.
 - d. In the event either party remains aggrieved by the directions of the DoE, their rights and remedies remain reserved.
9. The next date of hearing, i.e. 26.11.2025, stands cancelled.

PRATEEK JALAN, J

AUGUST 21, 2025
SS/AD/