



\$~5

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

+ W.P.(C) 9491/2025, CM APPLs. 40057/2025, 40058/2025,
45057/2025

MANOJ KUMAR SHARMA

.....Petitioner

Through: Petitioner in person.

versus

DELHI PUBLIC SCHOOL SOCIETY & ORS.Respondents

Through: Mr. Puneet Mittal, Sr. Advocate
with Mr. Rupendra Pratap Singh,
Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **28.07.2025**

1. By way of this petition under Article 226 of the Constitution, the petitioner challenges an order dated 30.04.2025, by which the Delhi School Tribunal ["the Tribunal"] has rejected his application for stay of an order of the respondent – Delhi Public School ["School"] dated 10.11.2023, by which the petitioner was removed from service.
2. I have heard Mr. Manoj Kumar Sharma, the petitioner, who appears in person, and Mr. Puneet Mittal, learned Senior Counsel for respondents No. 1 and 2.
3. The petitioner states that he has filed certain additional documents, which have not yet come on record. A copy has been handed over to the Court and is taken on record, with the consent of Mr. Mittal.
4. The petitioner was appointed as a Post Graduate Teacher [Physics] in the School on 03.12.2001. He was subjected to disciplinary proceedings, during the course of which an Inquiry Committee was



constituted. The Inquiry Report dated 14.12.2018 has been placed on record in the additional documents, handed over by the petitioner. In the Inquiry Report, all charges against the petitioner have been sustained.

5. The charges included wilful negligence of duty (including absence from parent-teacher meetings, late reporting for classes, non-submission of tests, failure to fill results of students in their respective dossiers, failure to take remedial classes, failure to attend to invigilation duties); negligence in correcting classwork and homework, absence from the School without leave; circulating materials to students, teachers and employees inciting disorder and violence; as well as failure to abide by the Rules and Regulations of the School.

6. The petitioner was placed on suspension with effect from 03.03.2017, and was first subjected to a removal order dated 12.02.2019. The Disciplinary Action Committee [“DAC”] was thereafter reconstituted on 04.09.2023, and a final removal order against the petitioner was passed on 27.09.2023. In the resolution of DAC dated 27.09.2023, it is recorded that the petitioner did not appear despite a telephonic reminder. A resolution was taken by the Managing Committee on 04.10.2023 for the petitioner’s removal from service, which was thereafter approved by the Directorate of Education [“DoE”]. The School thereafter served the petitioner with a communication dated 10.11.2023, imposing upon him the major penalty of *“removal from service, which shall not be a disqualification for future employment in any other recognised private school”*.

7. The petitioner has challenged this order before the Tribunal, and his appeal remains pending. His applications for interim relief were,



however, dismissed by the impugned order dated 30.04.2025.

8. The Tribunal has found against the petitioner on all three tests by which an application for interim relief of this nature is considered — *prima facie* case, balance of convenience, and an irreparable loss. The Tribunal has specifically held that if the appeal succeeds, the petitioner can be compensated and that stay of termination and suspension orders are rarely granted.

9. Having heard Mr. Sharma and Mr. Mittal, I do not consider it appropriate to interfere with the impugned order of the Tribunal in these proceedings under Article 226 of the Constitution. At the outset, it may be noted that the order is an interim order, and the petitioner's appeal remains pending before the Tribunal. The petitioner was suspended from the services of the School as far back as 03.03.2017, and remained under suspension until the order of termination. The effect of an order of stay in these circumstances, would be to put him back in active service, and thus restore the *status quo ante*, as it existed more than eight years ago. The Tribunal is also, in my view, justified in holding that the petitioner can be compensated by appropriate monetary relief in the event he finally succeeds in the appeal.

10. For the aforesaid reasons, the writ petition is dismissed, but it is made clear that the observations in this order are not intended to prejudice the parties at the final hearing of the appeal before the Tribunal.

11. All pending applications are also disposed of.

PRATEEK JALAN, J

JULY 28, 2025

SS/JM/