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

+ **W.P.(C) 12720/2025**

USHA RANI

.....Petitioner

Through: **Ms. Kritika Matta, Advocate.**

versus

THE SAMARTH SCHOOL & ORS.

.....Respondents

Through: **Mr. Rajesh Mohan Sinha, Mr. Prateek Mohan Sinha, Ms. Namita Sinha, Ms. Nandini Harsh and Mr. Krishnendu Das, Advocates for R-1 & 2.**
Mr. Gaurav Dhingra, Advocate for DoE.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.08.2025

1. The petitioner is a retired teacher who was employed by respondent No.1 – The Samarth School [“School”]. She superannuated on 31.10.2022, and claims that her gratuity and leave encashment dues have not been paid.

2. Pursuant to notice issued on 22.08.2025, Mr. Rajesh Mohan Sinha, learned counsel, has entered appearance on behalf of respondents No. 1 and 2. Mr. Gaurav Dhingra, learned counsel, enters appearance on behalf of respondent No. 3 - Director of Education [“DoE”]. According to Mr. Sinha, the petitioner has not approached the School for settlement of her dues.



3. The petitioner has annexed to the writ petition, certain representations allegedly submitted by her from 2022 onwards, as also a legal notice dated 08.07.2025, which, according to the petitioner, did not elicit a response. As no affidavits have yet been called for from the School, suffice it to state that an employee should not ordinarily be required to approach the School for release of retiral benefits.

4. Be that as it may, Mr. Sinha submits that there is some dispute as to the computation of the petitioner's dues. In my view, such a dispute, limited to reconciliation of accounts and computation of dues, can be resolved at the first instance by the regulator, namely, the DoE. Mr. Sinha suggests that the petitioner may first be directed to approach the School for reconciliation of accounts.

5. Having regard to these submissions, the writ petition is disposed of with the following directions:

- a. The petitioner will submit her computation of claims to the School within a period of two weeks from today and attend the School's office on 15.09.2025 at 11:30 AM. If there is no dispute regarding quantification, the amount due shall be released to her within four weeks thereafter. If there is any dispute as to reconciliation of the amounts, the School shall release the admitted amounts to her within the same period.
- b. In the event of a dispute as to computation of the amounts for any reason, both parties will submit their respective computations, alongwith necessary documents, to the concerned Deputy Director of Education by 01.10.2025.
- c. The DoE shall take a decision in this regard at the first instance,



after calling for clarifications or documents from the parties and hearing them, if necessary. The DoE will issue its directions, both with regard to quantum and modalities of payment, within a period of eight weeks.

- d. If either party is aggrieved by the directions of the DoE, they may approach this Court.

AUGUST 27, 2025
SS/JM/

PRATEEK JALAN, J