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

+ **W.P.(C) 14057/2024**

MRS. ANITA RATTAN

.....Petitioner

Through: Mr. Amar Khera, Advocate.

versus

**THE DIRECTOR, DIRECTORATE OF
EDUCATION & ORS.**

.....Respondents

Through: Ms. Latika Choudhury, Advocate
for R-1.

Mr. Anil Srivastav and Mr. Alok
Kumar, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **25.09.2025**

1. By way of this petition under Article 226 of the Constitution, the petitioner, who was an employee of respondent No.2 – Vishwa Bharati Public School [“the School”] seeks payment of arrears of salary, and other benefits computed in accordance with the recommendations of the 6th and 7th Central Pay Commissions [“CPC”].

2. On 22.07.2025, I was informed that the parties are making an attempt to settle their disputes. On 28.08.2025, they were referred to mediation. The learned Mediator has submitted a report dated 16.09.2025, which states that the mediation proceedings have been closed as “Non-Starter”.



3. As parties have been unable to settle their disputes through mediation, I have heard Mr. Amar Khera, learned counsel for the petitioner, and Mr. Anil Srivastav, learned counsel for respondent No. 2.

4. The petitioner joined the services of the School as a Pre-Primary Teacher in April 2000, and retired upon reaching the age of superannuation on 31.05.2023. Her contention is that she was not paid her salary or other emoluments in accordance with the recommendations of the 6th and 7th CPC, and that her retiral dues are also required to be re-computed in accordance with the said recommendations.

5. Mr. Khera submits that Section 10 of the Delhi School Education Act, 1973, provides that teachers of a private unaided schools would also be entitled to the same terms and conditions of service, as similarly placed employees of government schools.

6. The aforesaid position has been established in several decisions of this Court, including the decision of the Division Bench in *Ahlcon Public School v. Omita Mago and Ors.* [2023 SCC OnLine Del 368] [hereinafter, “*Omita Mago*”], wherein the Court 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.



11. The Appellant School has no other alternative but to pay arrears of salary and emoluments to its employees as fixed by the 7th Pay Commission. There is no infirmity with the order passed by the learned Single Judge which requires interference by this Court.”

7. 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. Niranjana 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.”

8. The judgment in *Omita Mago* has therefore attained finality. The respondents have not relied upon any judgment to the contrary. I have been informed that the issue is pending before the Supreme Court in other cases, but Mr. Srivastava does not suggest that this Court is inhibited from proceeding with this matter, by reason of any order of the Division Bench or the Supreme Court, particularly as the disputes are covered by



binding decisions of the Division Bench.

9. The only stand taken in the counter affidavit filed by respondent No. 2 is that the petitioner has been paid her retiral dues, and has accepted the amounts paid. It has not been contended that the petitioner's dues were computed in accordance with the recommendations of the 6th and 7th CPC.

10. Having regard to the judgment of this Court noted above, the present petition is also liable to succeed.

11. The School is, therefore, directed to compute the arrears of salary due to the petitioner, as also balance of any retiral benefits paid to her, taking into account the recommendations of the 6th and 7th CPC, and to remit the amounts to the petitioner within a period of eight weeks from today. The remittance will be accompanied by a computation in the form of a Due and Drawn statement. A copy of the computation will also be submitted to the concerned Deputy Director of Education.

12. In the event there is any dispute as to quantification, the petitioner may also submit her computation to the concerned Deputy Director of Education within two weeks thereafter. The Directorate of Education may thereafter make an attempt at reconciliation of the accounts, in coordination with the parties or their representatives, within a period of eight weeks thereafter, failing which the rights and remedies of the parties remain reserved.

13. The writ petition is disposed of in these terms.

PRATEEK JALAN, J

SEPTEMBER 25, 2025/SS/AD/