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

+ **W.P.(C) 15663/2025**

RATTAN SINGH BISHT & ORS.Petitioners
Through: Mr. Sanjay Dubey, Mr. Abhigyan
M., Advocates.

versus

**DIRECTORATE OF EDUCATION, GOVT OF NCT OF
DELHI THROUGH DIRECTOR & ORS.**Respondents
Through: Mrs. Avnish Ahlawat, SC with Ms.
Aliza Alam, Mr. Mohnish
Sehrawat, Advocates for R-1.
Mr. Sujeet Kumar Mishra,
Advocate for DoE.

**CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN**

ORDER

% **13.10.2025**
CM APPL. 64093/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 15663/2025

1. By way of this writ petition, under Article 226 of the Constitution, the petitioners assail communications dated 30.08.2025 issued by respondent No. 2 – Bharatiya Vidya Bhavan's Mehta Vidyalaya ["School"], relieving the petitioners from their positions as non-teaching staff of the School.
2. At the very outset, it was pointed out to Mr. Sanjay Dubey, learned



counsel for the petitioners, on the basis of the petitioners' case in the writ petition, that they appear to have alternative remedies under the Industrial Disputes Act, 1947 ["ID Act"], and/or the Delhi School Education Act, 1973 ["DSEA"].

3. As far as the ID Act is concerned, the petitioners claim to be entitled to the protection of the said statutory scheme, as evident from ground (f) of the writ petition, which expressly avers that the School falls within the definition of "industry" under Section 2(j) of the ID Act, and that the petitioners squarely fall within the definition of "workman" under Section 2(s) of the said ID Act. On this basis, it has been contended that the petitioners have been subjected to retrenchment within the meaning of the ID Act. The aforesaid averment is sought to be supported by detailed references to the statute and the judgments of the Supreme Court, as set out in grounds (f), (g), and (h) of the writ petition, which read as follows:

"f) Because this is a case where not only the Respondent School, being an educational institution, is an 'industry' in terms of Section 2(j) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act of 1947') for it renders 'educational services' to the community at large but also the Petitioners herein squarely fall within the meaning of 'workman' under Section 2(s) of Act of 1947. In this situation, the Petitioners herein can sufficiently be taken to have been 'retrenched' from their respective services, especially in light of the broad horizon of the said term under Section 2(oo) of Act of 1947. In this light, it becomes pertinent to reproduce the above provisions herein-

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It is hereby submitted that an 'educational institution' cannot be ousted from the definition of 'industry' for the purposes of Section 2(j) of Act of 1947 and the members of subordinate staff employed with the said institution are squarely covered the ambit the said statute. This is in accordance with the law laid down by a seven-judge bench of the Hon'ble Supreme Court of India in the case of



Bangalore Water Supply & Sewerage Board, etc v. A. Rajappa & Others, 1978 AIR 548 (decided on 21.02.1978). Relevant excerpts in this respect are reproduced herein as under-

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g) Because it is Section 25N of Industrial Disputes Act, 1947 which lays down the conditions precedent to retrenchment of workmen. The said provision applies in case of an 'industrial establishment' and in terms of Section 2(ka) of Act of 1947, it is an establishment or undertaking in which 'any industry' is carried out. It is hereby submitted that the Hon'ble Supreme Court of India in the case of **Bangalore Water Supply (Supra)**, clearly placed an educational institution under the ambit of 'industry' for imparting education is considered to be a service to the community at large (reliance placed by the Hon'ble Supreme Court in the abovesaid judgment on what was observed by Australian Judge Issac, J). In this light, an educational institution can safely be placed under the ambit of 'industrial establishment' for it being an establishment where education is imparted. An educational institution is run with a conjoint effort put in by the teaching and non-teaching staff, but the Courts have been reluctant in observing 'teachers' as workman but certainly, any dispute between the institution and its subordinate staff, as was rightly observed by the Hon'ble Supreme Court of India in Bangalore Water Supply (Supra), is an 'industrial dispute' for the purposes of Act of 1947.

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The present case is a case where the Respondent School had utterly disregarded the statutory requirement, as manifest upon a conjoint interpretation of Section 25N(1)(b) r/w Section 25N(2) r/w Section 25N(3) of the Act of 1947. The said Respondent School (Respondent No. 2 herein) never sought any permission from Directorate of Education, Government of NCT of Delhi (Respondent No. 1 herein) prior to retrenchment of Petitioners herein. Naturally, when no such application was made to the appropriate government (Government of NCT of Delhi in this case), no question of any simultaneous service thereof upon the Petitioners herein arise. Furthermore, in absence of the said application, the appropriate government never came forward to decide upon the genuineness and righteousness of retrenchment of Petitioners and accordingly, the said Petitioners could not be afforded any occasion to present their case before the said appropriate government. Respondent No. 1 also failed to interfere in the present situation despite the Petitioners having served a



representation in this respect dated 09.09.2025 and again a reminder letter dated 15.09.2025. Accordingly, cause of action to approach this Hon'ble Court arose against the said Respondents.

h) Because there exists a non-compliance with Section 25F(c) of the Act of 1947. The said provision is reproduced herein below-

“notice in prescribed manner is served on the appropriate government or such authority as may be specified by the appropriate government by notification the official gazette”.

*In the case of **Raj Kumar v. Director of Education & Ors, (Civil Appeal No. 1020/2011) (decided on 13.04.2016)**, the Hon'ble Supreme Court of India declined to tender its approval to the observations made by the Hon'ble High Court (in the above said matter) respecting the non-necessity to serve notice to the appropriate government before a decision to retrench workman is taken by the employer. Relevant excerpts thereof are thus reproduced as under-*

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[Emphasis supplied.]

4. In the writ petition, petitioners have also relied upon the provisions of the DSEA.

5. In ground (j) of the writ petition, it is specifically contended that the actions of the School are in violation of the statutory safeguards enshrined in Sections 25F(c) and 25N of the ID Act, as well as Section 8(2) of the DSEAR. Despite this, and notwithstanding that the fact that both statutes provide alternative remedies, the petitioners have approached this Court under Article 226 of the Constitution. Moreover, paragraph 4 of the writ petition boldly avers that the petitioners have no other efficacious remedy, except to approach this Court by way of the present writ petition under Article 226 of the Constitution. This



contention is patently erroneous.

6. It is, thus, clear that the petitioners' own case is that they are covered by the ID Act and, in any event, Section 8(3) of DSEAR provides a remedy for any employee of a recognized private school to appeal to the Delhi School Tribunal against an order of dismissal or removal. Filing writ petitions of this nature, when the appropriate statutory remedies are well known to both the litigants and their counsel, constitutes a significant drain on judicial resources.

7. Accordingly, the writ petition is dismissed, with liberty to the petitioners to pursue alternative remedies, as they may be so advised.

PRATEEK JALAN, J

OCTOBER 13, 2025

'Bhupi/sd'/'