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

+ LPA 645/2025, CM APPL. 65637/2025, CM APPL. 65638/2025 & CM APPL. 65639/2025

ANJANA SIKKA AND ORSAppellants

Through: Appearance not given.

versus

G.D. SONI DAV SR. SEC. SCHOOL AND ORSRespondents

Through: Ms. Latika Choudhary, Advocate for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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16.10.2025

1. An application bearing CM APPL. 65639/2025 has been filed by the appellants seeking leave of this Court to challenge the judgment and order dated 28.08.2025 passed by the learned Single Judge in W.P. (C) 4476/2017 whereby the learned Single Judge while quashing the rejection order dated 02.12.2016 and subsequent order dated 09.05.2017, passed by the Department of Education, permitted the institution concerned to discontinue the receipt of aid from the Department of Education. Learned Single Judge has further directed the Department of Education not to provide any further grant-in-aid to the institution and consequently it has also been observed that status of the school shall stand altered from aided to unaided school.

2. Admittedly, the teachers and staff working in the same institution were not a party to the proceedings of the writ petition before the learned Single Judge. Any leave to appeal by the Court can be granted to challenge an order passed by the learned Single Judge under Clause 10 of the Letters Patent only if the order



sought to be challenged passed by learned Single Judge causes any prejudice or affects any right of such a person.

3. It has been argued by learned counsel for the appellant that once the institution has been altered from aided to unaided, the same may affect the emoluments and perks and other facilities being paid to the teachers and the staff which is equivalent to the perks and emoluments and other facilities available to the teachers and staff working in a Government school, the same may be altered and reduced to the disadvantage of the appellants.

4. We may refer to Section 10 of Delhi Schools Education Act, 1973 which provides that scales of pay and allowances and other facilities including pension, gratuity, provident fund of the employees of the recognized private schools shall not be less than those of the employees of the corresponding status in school run by appropriate authority. Though, sub-section(2) of Section 10 requires the Managing Committee of every aided school to make deposit of its share towards pay and allowances, medical facilities, pension etc. every month, however sub-section(1) of Section 10 does not clearly differentiate between a private aided school and a private unaided school and, accordingly, the right of the appellants to seek the benefit equivalent to the benefits available to their counterparts, in schools run by the appropriate authority, relating to pay and allowances and other facilities such as pension, gratuity and provident fund etc. are saved by such an attempt.

5. As a matter of fact, the issue relating to status of institution whether it has to be aided or unaided, is a matter between the entity managing such private institutions and the Government. The teachers and staff are only concerned with their rights available to them under various provisions of a statute including Section 10 of the Delhi Schools Education Act, 1973. The appellants are seeking to challenge the impugned judgment rendered by learned Single Judge based on certain apprehensions. Unless after conversion of the institution from aided to



unaided, results in decrease in salaries and other allowances as mentioned in Section 10 to the appellants, merely based on apprehension and speculation, the appellants cannot be granted leave to challenge the judgment rendered by learned Single Judge. As and when any such cause of action may arise, the appellants will have the right of seeking protection in terms of Section 10 of Delhi Schools Education Act, 1973 by instituting appropriate proceeding before appropriate Court/forum.

6. In view of the aforesaid, we are not inclined to grant leave as prayed for. The application seeking leave and consequently the appeal are dismissed.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

OCTOBER 16, 2025

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