



2025:DHC:10999



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

% **Date of Decision: 05th December, 2025**

+ W.P.(C) 18475/2025 & CM APPL. 76594/2025

LOKTANTRIK ADHYAPAK MANCH

.....Petitioner

Through: Mr. Anand Awasthi, Mr. Chetanya Puri, Mr. Rishabh Jain, Mr. Puneet Dhawan, Ms. Snigdha Ganguly, Advocates (M:8285536218)

versus

STATE OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Tushar Sannu, Mr. Parvin Bansal, Advocates for GNCTD with Mr. Deepak (M:9911991166)

52

+ W.P.(C) 18484/2025, CM APPL. 76651/2025 & CM APPL. 76652/2025

GOVERNMENT SCHOOL TEACHERS
ASSOCIATION

.....Petitioner

Through: Ms. Richa Kapoor, Ms. Udipti Chopra, Mr. Aryan Prasad, Advocates (M:9821651560) along with Mr. Ajay Veer Yadav, party in person

versus

RETURNING OFFICER GSTA ELECTION AND
ORS.

.....Respondents

Through: Mr. Tushar Sannu, Mr. Parvin Bansal, Advocates for GNCTD with Mr. Deepak (M:9911991166)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present writ petitions have been filed on behalf of the



2025:DHC:10999



Government School Teachers Association (“GSTA”) and the Loktantrik Adhyapak Manch (“LAM”), which is one of the Panels contesting the elections of the GSTA.

2. Both the petitioners are aggrieved by the impugned order dated 01st December, 2025 issued by the Returning Officer for GSTA elections, whereby, the entire election process of GSTA has been rescinded *ab initio*, barely days before the scheduled polling date of 10th December, 2025.

3. Thus, by way of the present petitions, the petitioners seek quashing of the said order dated 01st December, 2025 issued by the Returning Officer for GSTA elections, and further, for the GSTA elections to be conducted strictly in compliance with the Election Notification dated 15th September, 2025.

4. Learned counsels appearing for the petitioners submit that the impugned order has been passed unilaterally by the Returning Officer without any jurisdiction and at an advanced stage of the electoral cycle. Thus, it is submitted that the said order dated 01st December, 2025 issued by the Returning Officer defeats the vested rights of thousands of teachers and constitutes a colourable exercise of administrative power in contravention of Articles 14, 19(1)(c), and 21 of the Constitution of India, 1950.

5. Learned counsels for the petitioners submit that the GSTA is a recognized association representing Government school teachers, which was duly registered in the year 1984. It is submitted that the elections of the GSTA have not been held for a long time, with the last elections having been held in the year 2014, i.e., 11 years ago.

6. In view of the common grievance of various teachers with respect to non-holding of elections to the GSTA for a very long time, the writ petitions being *W.P.(C) 6200/2024*, titled as “*Loktantrik Adhyapak Manch Versus*



2025:DHC:10999



Govt. of NCT of Delhi and Ors” and W.P.(C) 2101/2024, titled as “Govt. School Teachers Association Delhi Versus Government of NCT of Delhi & Ors.”, came to be filed before this Court. The said writ petitions were disposed of vide a common order dated 10th May, 2024, whereby, it was directed that the election process be concluded by October, 2024. There were further directions that a General Body Meeting (“GBM”) of the GSTA would be called, in which, the membership/voter list of the GSTA would be finalized.

7. Learned counsels appearing for the petitioners submit that pursuant to the directions of this Court, as issued in aforesaid order dated 10th May, 2024, the GSTA held its GBM through Video Conferencing on 04th October, 2024.

8. It is further submitted that since the GBM was held through a virtual mode, an open notice was issued to all the teachers. Furthermore, the Agenda and draft Resolutions were circulated online, and voting was conducted through a transparent and digitally auditable Google Form mechanism.

9. It is further submitted that since, it was not practical for the GSTA to finalize the Membership List by itself, it was resolved in the Resolution of the GBM of GSTA, that the said process of finalizing the members of the GSTA and collection of the membership fee shall be done through the respective heads of the schools. Thus, it is submitted that the enrolment of various members and finalization of the members of the GSTA, including, acceptance of the prescribed membership fee, was carried out by respective heads of the various schools. It is submitted that the finalized Membership List of the GSTA was duly forwarded to the Returning Officer.



2025:DHC:10999



10. Thus, it is submitted that by way of the Election Notification dated 15th September, 2025, the Returning Officer issued the schedule with respect to the GSTA Election 2025. It is submitted that as per the said Notification, the polling date was 29th November, 2025. However, subsequently, the date of the election was postponed to 10th December, 2025 *vide* a Circular dated 13th November, 2025.

11. Learned counsels for the petitioners submit that there were objections with regard to the mechanism adopted for the purposes of the election. However, the various concerns were considered by the Returning Officer and *vide* order dated 10th October, 2025, the said objections/representations were disposed of.

12. It is further submitted that out of 49,000 Government school teachers, 46,000 teachers have become members of the GSTA. It is submitted that election process is at an advanced stage and final list of the candidates has also been published. Only the ballot papers remain to be published.

13. Learned counsels for the petitioners, thus, submit that at such an advanced stage, *vide* the impugned order dated 01st December, 2025, the Returning Officer has directed that the process of the GSTA elections stands rescinded *ab initio* and has further directed the GSTA to refund the amount of membership fee to the respective heads of the schools.

14. Thus, being aggrieved by the order dated 01st December, 2025 issued by the Returning Officer, the present writ petitions have come to be filed.

15. Responding to the present writ petition, learned counsel for the respondents submits that the heads of the schools are the Principals, and being Government officers, they could not have been involved in the elections process of the GSTA, which is a private association of



Government school teachers.

16. He submits that no explanation could have been sought, as has been done in the present case, from the teachers who did not wish to become members of the GSTA. He further submits that there have been many complaints by various teachers that on account of the fact that membership was being finalized by the heads of the schools, a number of teachers had to become members of the GSTA under compulsion and deposit the requisite membership fee as well.

17. He further submits that the Constitution of the GSTA itself has been violated, as the whole process regarding finalization of the list of members of the GSTA and collection of membership fee, had to be done by the GSTA itself and the heads of the schools could not have been involved.

18. He further submits that *vide* the order dated 10th May, 2024, passed in *W.P.(C) 6200/2024* and *W.P.(C) 2101/2024*, a procedure had been laid down, which has been violated. Thus, he submits that the Returning Officer has rightly issued the order dated 01st December, 2025.

19. Having heard learned counsels for the parties and having perused the record, at the outset, this Court notes that *vide* order dated 10th May, 2024, passed in *W.P.(C) 6200/2024* and *W.P.(C) 2101/2024*, with regard to the holding of elections of the GSTA, this Court had directed as follows:

*“1. The present petitions have been filed seeking that the elections be held to elect members of the Government School Teacher’s association (GSTA), which by virtue of its constitution has to undergo the elections every five years. **It is pointed out that the tenure of the last elected body for which elections were held in the year 2014 has come to an end in the year 2019 and since then the said association is functioning through an interim President.***

2. It is pointed out that many members of the present GSTA officials have retired from services and that only four members are currently



acting in the body, rest having already retired or otherwise not holding office.

3. It is submitted that multiple requests for holding elections of GSTA have been sent to the Director of Education, however, to no avail. Hence, the present petitions have been filed.

4. In the counter-affidavit, filed on behalf of the Directorate of Education, it has been stated that the Directorate of Education has no objection in conducting elections for the GSTA.

5. It is pointed out that a returning officer for holding the elections was appointed as far back as on 15.12.2022. The said letter reads as under:

“No. F. PA/JDE (A)/2022/123

Dated: 15.12.2022

ORDER

Subject: Appointment of Returning Officer (R.O.).

In suppression of this office Order bearing No.F.PA/JDE(A)/2021/209 dated 14/12/2021, the Worthy Director of Education is pleased to appoint Ms. Zareen Taj, Additional Director of Education as Returning Officer (R.O.) to ensure fair and smooth conduct of GSTA. Election due to completion of the tenure of five years of present body of GSTA.

(RAMCHANDRA SHINGARE MAHADEV)
JOINT DIRECTOR OF EDUCATION (ADMN.)”

6. After some hearing, respective counsel for the parties are in agreement that a General Body Meeting would be called by the GSTA in which the membership/voter's list of the GSTA would be finalized. Further, the same shall be forwarded to the returning officer, who shall thereafter verify the voter's list and take steps for holding the elections.

7. Respective counsel for the parties jointly submit that the returning officer shall be requested to conclude the election process by the end of October, 2024. It is directed accordingly.

8. With the aforesaid directions, the present petitions are disposed of.”

(Emphasis Supplied)

20. Perusal of the aforesaid order clearly shows that this Court had categorically directed that the election process of the GSTA has to be concluded by October, 2024. Further, it was also directed that a GBM of the

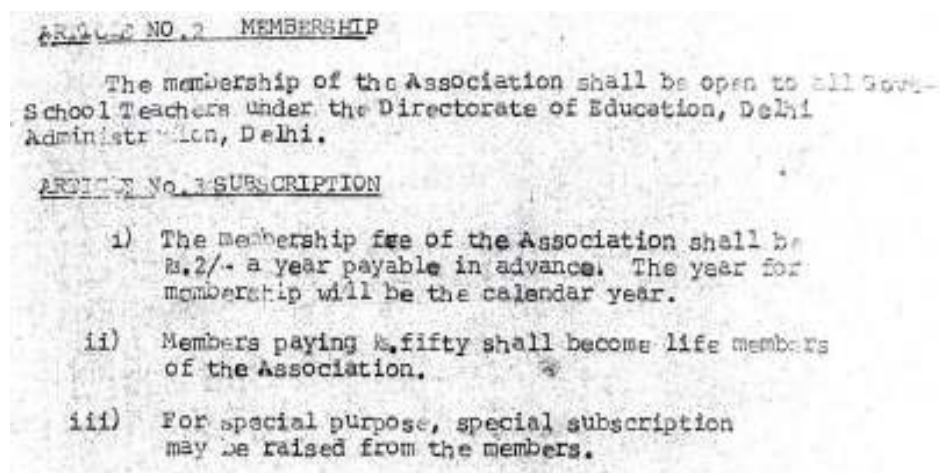


GSTA would be called for the purposes of finalizing the Membership List of the GSTA.

21. This Court takes note of the submission made by the parties that a Resolution was passed by the GBM of the GSTA directing the heads of the respective schools to finalize the membership of the GSTA, as also to collect the fee for the same.

22. In this regard, this Court takes note of the Constitution of the GSTA, wherein, Articles Nos. 2 and 3 dealing with membership and subscription, read as under:

“



”

23. A bare perusal of the aforesaid Articles of the Constitution of the GSTA makes it manifest that it is GSTA which deals with the issue of membership and subscription. The Constitution of the GSTA does not, in any manner, envision or empower the heads of the schools or any Government agency to be involved in the matters relating to membership and subscription of the GSTA.

24. Accordingly, this Court is of the considered view that heads of the schools could not have been involved in finalizing the Membership List of



2025:DHC:10999



the GSTA or in collecting the membership fee on behalf of the GSTA.

25. Be that as it may, this Court considers the peculiar facts of the present case, wherein, in view of the Resolution of the GBM of the GSTA, a final Membership List has already been forwarded by the respective heads of the schools to the Returning Officer, on the basis of which, the Election Notification dated 15th September, 2025 for GSTA elections was issued by the Returning Officer.

26. Moreover, this Court also takes note of the fact that the GSTA Election Notification dated 15th September, 2025 was issued by the Returning Officer only pursuant to the submission of the Membership List and the membership fees by the heads of the respective schools.

27. Thus, this Court is of the considered view that rescinding the elections at this stage would not be proper, especially, when this Court had, *vide* its aforementioned order dated 10th May, 2024, directed that the elections of the GSTA be concluded by October, 2024.

28. Therefore, in the peculiar facts and circumstances of the case at hand, it will not be a practicable direction to carry out the exercise of finalizing the membership of the GSTA afresh. Accordingly, cautioning the heads of the respective schools not to participate in any such activity of the GSTA in the future, it is directed that the elections of the GSTA, which are to be held at present, shall be conducted on the basis of the Membership List that has already been finalized by the heads of the respective schools, keeping in mind the conditions and directions passed hereinafter.

29. This Court further takes note of the submissions made by learned counsel for the respondents that complaints have been received that there are various teachers who, on account of the fact that various heads of the



schools were involved in the process of finalizing the members of the GSTA and were the ones collecting the membership fee, the said teachers were compelled to accept the membership of GSTA.

30. Thus, considering the said submissions, it is directed that all the teachers, who have not accepted the membership of the GSTA voluntarily and wish to withdraw the same, shall approach the Deputy Director of their respective Zones, within a period of ten days, from today. Upon said teachers approaching the Deputy Directors of their respective Zones, the said Deputy Directors shall communicate and share the list of the teachers who have withdrawn their membership with the Returning Officer.

31. Accordingly, the Returning Officer shall update the list of the members of the GSTA by deleting names of all the teachers from the final list of membership, who have withdrawn their membership.

32. Further, the Returning Officer shall, upon receipt of such lists from the Deputy Directors of the respective Zones, ensure that the membership fee is refunded to such teachers who have withdrawn their membership. For this purpose, the Returning Officer shall issue directions to the GSTA, providing the GSTA with the details of the teachers, along with their bank details where the money is to be refunded.

33. Upon such direction being received, the GSTA shall refund the membership fee to the teachers who have withdrawn their membership. The same shall be done within three working days from the receipt of the directions in this regard from the Returning Officer.

34. This Court also takes note of the fact that the Returning Officer had stipulated a condition that all the teachers, who did not wish to become the members of the GSTA, shall give an explanation for the same in writing.



2025:DHC:10999



This Court is of the considered view that the said condition of seeking explanation from teachers for not becoming members of GSTA, is not appropriate and not a proper condition, bearing in mind the fact that membership to the GSTA is a voluntary exercise.

35. Accordingly, it is directed that no explanation shall be sought by the Returning Officer or any member of the GSTA from any teacher, who does not wish to become a member of the GSTA. In case, any teacher has already submitted any such explanation, the same shall stand withdrawn.

36. As regards the contention of learned counsel for the respondents that the procedure prescribed in the order dated 10th May, 2024 passed in *W.P.(C) 6200/2024* and *W.P.(C) 2101/2024* has been violated, this Court notes that in view of the directions passed by this Court, as recorded hereinabove, the said concern of the respondents stands satisfied.

37. Thus, once the Returning Officer receives the communication from the Deputy Directors of the various Zones, containing the list of teachers who have withdrawn from the membership of the GSTA, the Returning Officer shall delete such teachers from the Membership List of the GSTA. Post deletion of the names of such teachers, who have withdrawn from the membership of the GSTA, the said List as already available with the Returning Officer shall be considered as the final Membership List for the purposes of holding the elections of the GSTA, at present.

38. After finalization of the Membership List of the GSTA, as aforesaid, the Returning Officer shall hold elections to the GSTA, on or before 31st January, 2026.

39. Accordingly, all the teachers and members of the GSTA, as well as the respondents, are directed to ensure that they coordinate and cooperate



2025:DHC:10999



with each other, to facilitate smooth elections to the GSTA, on or before 31st January, 2026, in terms of the directions passed by this Court today.

40. With the aforesaid directions, the present writ petitions, along with the pending applications, are accordingly disposed of.

MINI PUSHKARNA, J

DECEMBER 5, 2025/au