



2025:DHC:1850



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Decided on: 20.03.2025

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W.P.(C) 160/2025 and CM APPL. 725/2025**MEENU SACHDEV****.....Petitioner**

Through: Ms. Indrani Ghosh, Ms. Shobhana
Takiar and Mr. Kuljeet Singh,
Advocates.

versus**MANAGING COMMITTEE SRI SATHYA****SAI VIDYA VIHAR & ANR.****.....Respondents**

Through: Mr. Ashok Kumar Sharma and Mr.
Lakshay, Advocates for R-1.

CORAM:**HON'BLE MR. JUSTICE PRATEEK JALAN****PRATEEK JALAN, J. (ORAL)**

1. The petitioner was employed as a Primary Teacher in the respondent No.1-Sri Sathya Sai Vidya Vihar ["School"] in August 1991 and promoted as Trained Graduate Teacher ["TGT"] in the year 2011. She seeks the benefit of the proviso to Rule 110(2) of the Delhi School Education Rules, 1973 ["Rules"], which provides that a teacher who attains the age of superannuation on or after November 1 of any year shall be re-employed until April 30 of the following year.
2. The petitioner attained the age of 60 years, which is the normal age of retirement under Rule 110(2) of the Rules on 31.12.2024. According to



the petitioner, in anticipation thereof, she sent a representation dated 08.12.2024 to the respondent No.1 – School, seeking statutory re-employment. However, by a communication dated 26.12.2024, she was informed that she is superannuating on 31.12.2024, and should collect her dues.

3. It is also stated in the petition that, a few days before her superannuation, the petitioner received a communication from the Officiating Principal of the School on 27.12.2024, stating that certain complaints have been received against her from the parents of a student in the school. She was called upon to submit a reply, which she submitted on the same day.

4. A counter affidavit has been filed on 11.03.2025, in which the School contends that, as a result of the complaints against the petitioner, a Disciplinary Committee was constituted on 26.12.2024. It is contended that in such a case, the petitioner is not entitled to the benefit of the proviso to Rule 110 (2). The Minutes of Meeting dated 26.12.2024, which has been placed on record, records the allegations against the petitioner and states that the complainant- parents had given their testimony before the Committee. The following decisions are recorded in the said Minutes of Meeting:

- “1. Mrs. Meenu will be asked to refrain from taking any further class till her retirement on 31st December 2024.*
- 2. No extensions of service will be granted to Mrs. Meenu Sachdev post her retirement.*
- 3. An explanation will be sought from Mrs. Meenu with respect to all the allegations levelled against her.*
- 4. A letter of reprimandation will be issued to Mrs. Meenu if the allegations are proved to be true.”*

It may be noted that the School has also placed on record a document of the



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same date, i.e. 26.12.2024, signed by the Chairman and Officiating Principal, by which a Disciplinary Committee was sought to be constituted.

5. The merits of the allegations levelled against the petitioner have been disputed in the rejoinder filed by her on 17.03.2025. The petitioner has also objected to the constitution of the purported Disciplinary Committee, and drawn the Court's attention to the communication from the Chairman of the School's Managing Committee dated 26.12.2024, in which he has expressed gratitude for her contributions to the School. It is contended that the purported complaints and decision of the School, taken on the same day, to initiate disciplinary proceedings, are an afterthought and entirely inconsistent with the tone and tenor of the said communication dated 26.12.2024.

6. Having heard learned counsel for the parties, I am of the view that it is unnecessary in the present petition to enter into the dispute regarding the allegations levelled against the petitioner. Suffice it to note that the counter affidavit does not disclose any decision with regard to the imposition of punishment on the petitioner, taken by the Disciplinary Committee.

7. The question to be considered in these circumstances, even assuming in favor of the School that it had properly constituted a Disciplinary Committee and instituted proceedings against the petitioner, is whether such proceedings could *ipso facto* lead to the denial of statutory re-employment under the proviso of Rule 110 (2) of the Rules. The provision of Rule 110 (2) of the Rules, is set out below:

"110. Retirement age. -xxxx xxxx xxxx

(2) Notwithstanding anything contained in sub-rule (1), every teacher, laboratory assistant, Librarian, Principal or Vice-Principal employed in such school shall continue to hold office until he attains the age of 60



years:

Provided that where a teacher, Principal or Vice-Principal attains the age of superannuation on or after the 1st day of November of any year, such teacher, Principal or Vice-Principal shall be re-employed upto the 30th day of April of the year immediately following.¹

8. The Rule itself does not expressly provide for any such exception, and no such exception can, in any view, be read into the provision, either. The consequence of such an interpretation would be that a punishment, depriving a teacher of the statutory re-employment, can be imposed without following the procedure of the Rules, regarding constitution and procedure of a Disciplinary Committee, or following the principles of natural justice. Such a principle cannot be countenanced in law. An employee's tenure, whether before the date of superannuation or as a result of statutory re-employment, cannot be curtailed without due process.

9. Ms. Indrani Ghosh, learned counsel for the petitioner, has drawn my attention to the judgment of this Court dated 18.02.2025 in *Jayati Mozumdar v. Managing Committee Sri Sathya Sai Vidya & Anr*², which was filed by another teacher of the same school. The writ petition was allowed with costs, noting that the relief sought is directly in terms of the statutory provision.

10. In view of the aforesaid, the writ petition is allowed. The School is directed to re-employ the petitioner until 30.04.2025 with all consequential benefits, including salary and emoluments from 01.01.2025. The arrears be paid within two weeks from today.

11. As in the case of *Jayati Mozumdar*, learned counsel for the petitioner

¹ Emphasis supplied.

² 2025 SCC OnLine Del 973 [hereinafter, "*Jayati Mozumdar*"]



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submits that the petitioner does not insist upon disturbing the alternative arrangements that have been made for teaching in the school during the period of her absence. She will report to the School from tomorrow, i.e., 21.03.2025, and be available for such duties as the School may assign to her, commensurate with her position.

12. In the present case, despite the judgment in *Jayati Mazumdar* having been placed on record by the petitioner, which concerned the same School, it has persisted in its endeavor to deny the present petitioner re-employment in terms of the Rules, on a clearly specious argument. The unavoidable consequence is that the School must pay enhanced costs. The School will pay costs of Rs.25,000/- to the petitioner within two weeks from today, and will also deposit costs of Rs.30,000/- with the Delhi High Court Legal Services Committee [*UCO Bank, Delhi High Court, Shershah Road, New Delhi, Account No. 15530110008386, IFSC Code- UCBA0001553*] within four weeks from today.

13. The writ petition is disposed with these directions.

PRATEEK JALAN, J

MARCH 20, 2025/uk/SD/