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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 15th July, 2025

- + **W.P.(C) 3675/2017 and CM APPL. 39311/2019, 13834/2021 and 36335/2021**
AVTAR SINGHPetitioner
versus
PUNJABI ACADEMY & ANRRespondents
- + **W.P.(C) 3707/2017 and CM APPL. 39293/2019, 13595/2021 and 36342/2021**
HARINDER KAUR & ORSPetitioners
versus
PUNJABI ACADEMY & ANRRespondents
- + **W.P.(C) 4116/2017 and CM APPL. 38178/2019 and 29768/2021**
JASKINDER KAURPetitioner
versus
PUNJABI ACADEMY & ANRRespondents
- + **W.P.(C) 4118/2017 and CM APPL. 49612/2018, 39387/2019, 2791/2021 and 29769/2021**
SAROJ & ORSPetitioners
versus
PUNABI ACADEMY & ANRRespondents
- + **W.P.(C) 7106/2017**
TAVINDER KAURPetitioner
versus
GOVT OF NCT OF DELHI AND ORSRespondents
- + **W.P.(C) 3708/2017**
PROMILA DEVI & ORSPetitioners
versus
GOVT. OF NCT OF DELHI & ORSRespondents



- + **W.P.(C) 3709/2017**
RANI & ORSPetitioners
versus
PUNJABI ACADEMY AND ORSRespondents
- + **W.P.(C) 4107/2017**
SURESH RANIPetitioner
versus
PUNJABI ACADEMY & ANRRespondents
- + **W.P.(C) 12909/2018**
RANI & ORSPetitioners
versus
PUNJABI ACADEMY & ANRRespondents
- + **W.P.(C) 3710/2017 and CM APPL. 36292/2021 and 46854/2023**
USHA RANI AND ORSPetitioners
versus
GOVT OF NCT OF DELHI AND ORSRespondents
- + **W.P.(C) 4110/2017 and CM APPL. 39389/2019, 13608/2021 and 36295/2021**
SANTOSH RANI & ORSPetitioners
versus
PUNJABI ACADEMY & ORSRespondents
- + **W.P.(C) 4112/2017 and CM APPL. 13517/2021 and 36282/2021**
HARJEET KAUR AND ORSPetitioners
versus
PUNJABI ACADEMY AND ANRRespondents
- + **W.P.(C) 4117/2017 and CM APPL. 39307/2019, 13824/2021 and 36283/2021**
NARINDER KUMARPetitioner
versus
PUNJABI ACADEMY & ANRRespondents



- + **W.P.(C) 4389/2017 and CM APPL. 19182/2017, 39300/2019, 13516/2021, 37954/2021 and 52599/2023**
AMARJEET KAUR AND ORSPetitioners
versus
PUNJABI ACADEMY AND ANRRespondents
- + **W.P.(C) 4403/2017 and CM APPL. 19217/2017, 39310/2019 and 52662/2023**
AMRIT KAUR AND ANRPetitioners
versus
PUNJABI ACADEMY AND ANRRespondents
- + **W.P.(C) 6672/2017 and CM APPL. 32237/2020 and 8172/2021**
HARPAL KAUR AND ORSPetitioners
versus
PUNJABI ACADEMY AND ANRRespondents
- + **W.P.(C) 1795/2021 and CM APPL. 5167/2021**
DARSHNA KUMARI & ORS.Petitioners
versus
PUNJABI ACADEMY & ORS.Respondents
- + **W.P.(C) 6679/2017 and CM APPL. 39388/2019 and 37393/2021**
ASHA RANIPetitioner
versus
PUNJABI ACADEMY AND ANRRespondents
- + **W.P.(C) 7909/2017 and CM APPL. 32692/2017, 21313/2019 and 32239/2020**
ARVINDER KAURPetitioner
versus
PUNJABI ACADEMY AND ANRRespondents
- + **W.P.(C) 9600/2017 and CM APPL. 39304/2019**
CHANDER KANTAPetitioner
versus
PUNJABI ACADEMY AND ANRRespondents



- + **W.P.(C) 12768/2018**
SMT. DAVINDER KAUR KALSIPetitioner
versus
PUNJABI ACADEMY AND ANR.Respondents
- + **W.P.(C) 12772/2018**
SMT. DAVINDER KAUR CHAWLAPetitioner
versus
PUNJABI ACADEMY AND ANR.Respondents
- + **W.P.(C) 11706/2021 and CM APPL. 36191/2021**
HARSH BALA AND ANRPetitioners
versus
GOVT OF NCT OF DELHI AND ORS.Respondents
- + **W.P.(C) 11780/2021 and CM APPL. 36441/2021**
GURSHARAN KAUR AND ANRPetitioners
versus
PUNJABI ACADEMY AND ORSRespondents
- + **W.P.(C) 455/2023 and CM APPL. 1774/2023 and 52632/2023**
RENUKA ARORA AND ORS.Petitioners
versus
UNION OF INDIA AND ORSRespondents
- + **W.P.(C) 612/2023 and CM APPL. 2399/2023**
RANJIT KAUR AND ORS.Petitioners
versus
GOVT OF NCT DELHI AND ORSRespondents
- + **W.P.(C) 5461/2023 and CM APPL. 21341/2023 and 21342/2023**
SUSHMA KUMARI AND ORS.Petitioners
versus
GOVT OF NCT DELHI AND ORSRespondents
- + **W.P.(C) 14157/2023 and CM APPL. 56018/2023**
INDERJEET KAUR AND ANRPetitioners
versus
GOVT OF NCT DELHI AND ORSRespondents



- + **W.P.(C) 15206/2023**
UMA JUNEJA & ORS.Petitioners
versus
PUNJABI ACADEMY & ORS.Respondents
- + **W.P.(C) 15220/2023 and CM APPL. 60935/2023**
SMT REKHA RANI & ANR.Petitioners
versus
PUNJABI ACADEMY & ORS.Respondents

MEMO OF APPEARANCE:

Mr. Bharat Bhushan Bhatia and Ms. Pooja Gehlot, Advocates for Petitioners.

Mr. Varun Mudgil, Mr. Mohit Mudgal, Mr. Rakesh Kumar, Ms. Eti Kushwaha and Mr. Ansh Sharma, Advocates for Petitioners.

Mr. Naushad Ahmed Khan, Ms. Supriya Malik and Ms. Jannat Yamini, Advocates for Respondent/Punjabi Academy, along with Mr. Ajay Arora, Secretary, Punjabi Academy.

Ms. Avnish Ahlawat, Standing Counsel with Ms. Laavanya Kaushik, Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam, Mr. Mohnish Sehrawat, Advocates for Respondent/GNCTD.

Mr. Manaswy Jha, Panel Counsel for Respondent/GNCTD.

Mr. Gaurav Dhingra and Mr. Shashank Singh, Advocates for Respondent/DoE.

Mr. V. Balaji, Advocate for Respondent/DoE.

Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi, Mr. Hitanshu Mishra and Ms. Manshi Tanwar, Advocates for Respondent/DoE.

Ms. Sriparna Chatterjee, Mr. Ashwin and Mr. Manish, Advocates for Respondent/MCD.

Ms. Beenashaw N. Soni, Standing Counsel with Ms. Mansi Jain, Advocate for Respondent/MCD.

Mr. Tushar Sannu, Standing Counsel with Mr. Shivam, Advocate for Respondent/MCD in item Nos. 1, 2, 3, 4, 6, 7, 10, 11, 12, 13, 14, 18, 23 and 24.

Ms. Tanu Priya Gupta and Ms. Khushi Sharma, Advocates for Respondent/MCD.



Mr. Virender Pratap Singh Charak and Ms. Shubhra Parashar,
Advocates for UoI/ Ministry of Urban Development.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J.

1. These writ petitions are filed by the Petitioners who were appointed as part-time Punjabi Teachers by Respondent No.1/Punjabi Academy (hereinafter referred to as the 'Academy') seeking regularisation as also re-fixation of their salaries in light of the judgment of the Division Bench of this Court in *W.P. (C) No. 13296/2009, Durraj Fatima Naqvi and Ors. v. Govt. of NCT of Delhi and Ors.*, decided on 17.09.2010 and order dated 11.05.2016 passed by another Division Bench of this Court in *W.P. (C) No. 8541/2014, Rani & Ors. v. Government of NCT of Delhi & Ors.* Since the writ petitions involve common question of law, they were heard together and are being decided by this common judgment.

2. As per the case set up by the Petitioners, they were appointed by the Academy to teach Punjabi language on different dates commencing from the year 1986 pursuant to public advertisements. Minimum educational qualification stipulated in the advertisements was Matriculation with subject of Punjabi language. Academy is an autonomous society under the administrative control of Department of Art, Culture and Languages, Government of NCT of Delhi ('GNCTD') and is registered under the Societies Registration Act, 1860. Government provides grant-in-aid to the Academy based on estimates sent well in advance taking into account the number of Teachers employed.



3. Details of the Petitioners in the present petitions as filed by the Petitioners in a tabular form, to the extent relevant are as follows:-

S.No.	W.P (C) No.	Case Title	Numbers	Petitioners	Qualification	Date of Initial Appointment	Date of Birth	Last Salary	Name of the School
1	3675/2017	Avtar Singh Vs. Punjabi Academy & Anr	1	Avtar Singh	Matric, Gyani, 12th, Child Care	18.05.1987	04.11.1962	6,720	MCD school, Jahangir Puri
2	11541/2021	Rita Rani Vs. Punjabi Academy & Ors.	1	Rita Rani	Matric, SCERT,	06.04.1990	18.10.1956	6,580/-	MCD, Chaukhandi
3	11780/2021	Gursharan Kaur & Anr. Vs. Punjabi Academy & Anr.	2	Gursharan Kaur	BA, Gyani ✓	28.11.1988	05.06.1963	7,520/-	MCD, Shastri Nagar
				Jasbir Kaur Bawa	12th, Gyani	09.03.1987	25.09.1959	6,440	MCD, Tagore Garden
4	4389/2017	Amarjeet Kaur & Ors. Vs. Punjabi Academy & Anr.	4	Amarjeet Kaur	10th, 12th, NIOS Early Childhood Care ✓	25.03.1987	14.11.1962	6,720/-	MCD, Karampura
				Shashi Bala	Pre-University, Childhood Care ✓	18.04.1990	24.08.1958	6,580/-	MCD, Sarai Pipal Thalia-I
				Ranjit Kaur	10th, 12th, NIOS Early Childhood Care ✓	04.05.1988	20.11.1965	6,720/-	MCD, Burari

10				Raschpal Kaur	10th, Early Childhood Care ✓	09.09.1990	15.05.1954	6,300/-	MCD, Malka Ganj
				Santosh Rani	Matric	22.07.1986	23.09.1956	6,300/-	MCD, Geeta Colony
				Sudesh Kumari	Matric	27.03.1987	11.11.1954	6,300/-	MCD, Geeta Colony
				Jasvinder Kaur	Matric, Gyani, B.Ed, Childhood Care, NPTT ✓	25.06.1988		6,300/-	MCD, Mangolpur i
				Subhash Kumari	Matric	04.08.1987	01.04.1954	6,300/-	MCD, Mangolpur i
				Baljeet Kaur	Matric	05.10.1987	10.05.1960	6,300/-	MCD, Saraswati Vihar
				Veena Rani	B.A			6,300/-	MCD, Jwala Puri
5	4110/2017	Santosh Rani & Ors. Vs. Punjabi Academy & Ors.	13	Jasbir Kaur	Matric, B.A	08.11.1989		6,300/-	MCD, Dilshad Garden
				Raj Rani	Matric	06.10.1987		6,300/-	MCD, Mangolpur i
				Rajinder Kaur	Nursery Teacher Training, Graduation ✓	11.12.1990		6,300/-	MCD, Kalkaji



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6	3707/2017	Harinder Kaur & Ors. Vs. Punjabi Academy & Anr.	10	Raj	12th, Childhood Care ✓	21.12.1987	01.01.1955	6,300/-	MCD, Peera Garhi
				Santosh Rani @ Poonam	Graduation	04.05.1988	29.04.1957	6,300/-	MCD, Mangolpur i
				Lalita Rani	Matric, Childhood Care ✓	25.08.1988	02.03.1967	6,300/-	MCD, Seema Puri
				Pushpa Rani	Matric, Childhood Care ✓	21.12.1987	10.11.1961	6,000/-	MCD, Vishwas Nagar
				Harinder Kaur	B.A, Gyani, Childhood Care ✓	04.12.1987		7,500/-	MCD, Safdarjung Enclave
				Indra Kumari	Matric, Gyani ✓	18.12.1987		6,580/-	MCD, Rithala
				Balwinder Kaur	Matric, Gyani ✓	21.07.1989		6,300/-	MCD, Karampura
				Rajinder Kaur	12th, Gyani, Childhood Care ✓	12.10.1989		6,580/-	MCD, Indra Vihar
				Gurcharan Kaur	B.A. Gyani, Childhood Care ✓	11.09.1988		7,520/-	
				Kulwinder Kaur	B.A, M.A	05.12.1988		7,200/-	MCD,
				Manjit Kaur	B.A.	24.02.1987		6,300/-	
				Tripta Rani	B.A., Gyani, NTT ✓	05.03.2004		6,300/-	

7	6672/2017	Harpal Kaur & Anr. Vs. Punjabi Academy & Anr.	4	Davinder Kaur	12th, NTT	05.01.1990		6,580/-	MCD, Subhash Nagar
				Parveen Lata	Matric, Gyani, Childhood Care ✓	05.02.1987		6,580/-	MCD, Rithala
				Harpal Kaur	Graduation	22.07.1988	07.09.1957	6,300/-	MCD, Madi Pur
				Neeru Bala	Pre-University	06.10.1988		6,300/-	MCD, Mehrauli
				Santosh Kumari	12th, Diploma in language	23.10.1989	07.01.1956		
				Tripta Rani	Matric	18.04.1990	05.08.1962	6,300/-	MCD, Mehrauli
				Chander Kanta	Matric	17.01.1990	04.11.1952	6,300/-	MCD, Pahari Dheeraj
				Promila Devi	Matric, DIET, SCERT,	22.05.1989	19.04.1968	6,580/-	MCD, Jwala Puri
				Harjinder Kaur	BA, Childhood Care ✓	01.12.1986	20.02.1960	7,680/-	MCD, Govind Puri
				Parveen Sharma	12th, SCERT	16.08.1987	06.04.1954		MCD, Sultanpuri
				Rupinder Kaur	Graduate ✓	17.01.1990		6,720/-	Jwala Puri
				Gursharan Kaur	12th	09.07.1988			MCD, Kalkaji
				Nirmal Kanta	12th, Gyani ✓	14.08.1987	15.07.1952	6,300/-	Kalkaji



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10	4403/2017	Amrit Kaur & Anr Vs. Punjabi Academy and Anr	2	Amrit Kaur	10th, 12th	18.09.1989	28.10.1956	2,800/-	MCD, Rotash Nagar
				Sulinder Kaur	B.A. Gyani	22.06.1995	18.12.1957	3,200/-	MCD, Babar Pur
11	4107/2017	Suresh Rani & Ors. Vs. Punjabi Academy & Anr.	9	Suresh Rani	BA, B.Ed	28.10.1988		4,500/-	MCD, Nangloi
				Shashi Prabha	BA, B.Ed, Childhood Care	16.06.1993		4,500/-	MCD, Wazirpur
				Shaily Dua	BA, B.Ed, SCERT, DIET	1986	23.11.1960	4,500/-	MCD, Gandhi Nagar
				Sunita Rani	BA, B.Ed, SCERT, DIET	15.11.1989		4,500/-	MCD, Mohan Garden
				Manju Bala	MA, B.Ed, SCERT	22.06.1990	13.07.1971	4,500/-	MCD, Mangolpur i
				Manpreet Kaur	B.Ed	11.10.1989		4,500/-	MCD, Tilak Vihar
				Manjeet Kaur	BA, B.Ed	17.07.1989		4,500/-	MCD, Nasirpur
				Savita Gera	Matric, B.A	20.03.1987	15.04.1955	4,500/-	MCD, Mukherjee Park
				Ranji Bala	Matric, BA, B.Ed, SCERT	22.07.1991	01.08.1969	4,500/-	MCD, Mangolpur i
				Usha Rani	Matric, Gyani, SCERT	09.09.1987	10.09.1956	2,800/-	MCD, Mohamad Pur Majri
12	3710/2017	Usha Rani & Ors. Vs. GNCTD & Ors.	6	Gurdeep Kaur	12th, Gyani, SCERT, Childhood Care	04.05.1988	05.02.1960	2,800/-	MCD, Jahangir Puri
				Tripta Devi	Matric, Childhood Care, SCERT	13.12.1990	09.03.1972	2,800/-	MCD, Jahangir Puri
				Vijay Sharma	BA, Gaini, Childhood Care	23.03.1988		3,200/-	MCD, Jahangir Puri
				Kulwant Kaur	12th, Childhood Care, SCERT	14.09.1987		2,800/-	MCD, Mohamad Pur
				Balwinder Kaur	Matric, Childhood Care, SCERT	26.04.1988	15.10.1956	2,800/-	MCD, Jahangir Puri
13	6679/2017	Asha Rani Vs. Punjabi Academy & Anr.	1	Asha Rani	Matric, 12th, NIOS Early Childhood Care	11.08.1986	15.10.1962	6,720/-	MCD, Rohini
				Renuka Arora	Matric	29.01.1991	31.08.1966	6,720/-	MCD, Karol Bagh
				Satinderjeet Kaur	12th	04.05.1987		6,720/-	MCD, Old Rajinder Nagar
				Manjeet Kaur	Matric	11.10.1989		6,780/-	MCD, Fateh Nagar



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14	455/2023	Renuka Arora & Ors. Vs. GNCTD & Ors.	7	Virender Kaur Sharma	12th			6,720/-	MCD, West Patel Nagar
				Narinder Kaur	B.A, Childhood Care ✓	Jul-87	17.06.1963	7,680/-	MCD, Vishnu Garden
				Parminder Kaur	12th	01.05.1988		6,580/-	MCD, Tilak Nagar
				Harjeet Kaur	Matric	07.02.1990	06.06.1960	6,720/-	MCD, Tihar No.1
				Ranjit Kaur	12th	07.12.1989	15.07.1957	6,720/-	MCD, Narela
				Raj Kumari	12th, Childhood Care ✓	14.06.1989		6,720/-	MCD, Narela
				Anju Rani	Matric, Childhood Care ✓	14.07.1988	15.07.1962	6,720/-	MCD, Narela
				Nirmal @ Sunita Rani	12th	02.04.1990	08.07.1957	6,720/-	MCD, Narela
				Ishwar Devi	Matric, Childhood Care ✓	11.07.1980	11.08.1958	6,720/-	MCD, Narela
				Uma Juneja	B.Ed	02.01.1987		14,383/-	MCD, Tihar No. 2
				Shakuntala Devi	BA/ B.Ed	10.10.1988		15,278/-	MCD, Vikas Puri
				Harbhajan Kaur	MA/ B.Ed	1990		14,383/-	MCD, Nangal Rai
				Rekha Rani		13.07.1990		7,680/-	MCD, Sabhapur

17	15220/2023	Punjabi Academy & Inderjeet Kaur & Anr. Vs. GNCTD & Ors.	2	Sudershan Kaur	12th, 01-year Childhood Care ✓	15.02.1988		6,720/-	MCD, Darya Gani
				Inderjeet Kaur	12th, 01 year Childhood Care ✓	09.04.1990		6,720/-	MCD, Baldev
18	14157/2023	Narinder Kumar Vs. Punjabi Academy & Anr.	2	Amarjeet Kaur	10th, Early Childhood Care ✓	01.12.1988		6,720/-	EDMC, Pandav
				Narinder Kumar	Gyani, MA, NTT, ✓	15.11.1989		8,150/-	EDMC, Yamuna Vihar
				Harjeet Kaur	BA, NTT	09.04.1990		7,520/-	
20-	4112/2017	Arvinder Kaur Vs. Punjabi Academy & Anr.	3	Kiran Guglani	10th, Childhood Care ✓	20.08.1987		6,580/-	
				Arvinder Kaur	B.Ed, Diploma, Gyan i, Double MA, M.Phil ✓	19.05.2010		15,494/-	
				Sushma Kumari	BA	22.08.1989		7,660/-	MCD, Laxmi Nagar
				Kamal Kanta	BA	04.08.1986	15.07.1957	7,520/-	MCD, Laxmi Nagar



22	5461/2023	Ors. Vs. GNCTD & Ors.	5	Amarjeet Kaur	12th	25.01.1990	01.03.1966	6,720/-	MCD, Pandav Nagar
				Mohanjeet Kaur	Matric	07.11.1989	15.03.1961	6,720/-	MCD, Geeta Colony
				Paramjeet Kaur	11th	1988		6,720/-	
23	1795/2021	Darshna Kumar & Ors. Vs. Punjabi Academy & Anr.	3	Darshna Kumari	B.Ed, Childhood Care ✓	15.11.1989			
				Sanjogta Rani	B.Ed, Childhood Care, SCERT ✓	29.01.1990			
				Kiran Bala	Graduation, SCERT, DIET ✓	1989			
24	11706/2021	Harsh Bala & Ors Vs Punjabi Academy	2	Harsh Bala	Matric	14.12.1987		6,580/-	SDMC Primary School Kakrola No1 Punjabi University
				Jaswinder Kaur	Matric	13.07.88	14.03.58	6,580/-	

4. Petitioners aver that majority of them have rendered nearly 3 decades of service as teachers with a starting monthly wage of Rs.500-600/- which over the years has marginally increased to less than Rs.7,000/-. Majority of the Petitioners were appointed between 1986 to 1991 while Petitioner in W.P. (C) No.7909/2017 was appointed in 2010 and Petitioner in W.P. (C) No.3707/2017 was appointed in 2004. The last drawn salaries of most of the Petitioners are in the range of Rs.6,000/- to Rs.7,000/- while some were drawing between Rs.2,800/- to Rs.4,500/-. Only four Petitioners were drawing last drawn salary in the range of Rs.14,000/- to Rs.15,000/- approximately. It is conceded that in the appointment letters, it was stipulated that Petitioners will not claim regularisation and duration of teaching would be 3 hours per day. It is, however, stated that as per the terms of appointment, Petitioners were required to perform extra duties such as invigilation, setting question papers and checking answers during



examinations, for which there was no extra remuneration. Petitioners further aver that majority of them have been working as Punjabi Teachers for over 30 years and performing their duties diligently and without giving any cause of complaint to the Respondents.

5. Petitioners state and aver that *albeit* matriculation was the requisite educational qualification for appointment, many of the Petitioners possess additional qualifications of Senior Secondary/Graduation and Gyani in Punjabi language/Early Child Care Education from National Institute of Open Schooling ('NIOS'), Government of India. The monthly remuneration of Rs.500/- was marginally increased from time to time over the years and in 2017, the consolidated monthly salary on an average was Rs.6,300/- for part-time Assistant Teachers (Untrained) with 10+2 qualification.

6. It is stated that part-time Urdu Teachers appointed by the Urdu Academy filed two writ petitions in this Court being W.P. (C) 13296/2009 and W.P. (C) 2221/2010, challenging judgment dated 08.09.2009 of Central Administrative Tribunal ('Tribunal'). Many of these Petitioners were teaching Urdu language mostly in Senior Secondary Schools, established and run by Directorate of Education ('DoE') while few were teaching in primary schools established and run by Municipal Corporation of Delhi ('MCD'). Grievance of the Petitioners was that they were being paid a consolidated monthly salary of Rs.1,500/-, when the Original Applications were filed in the Tribunal, which was enhanced to Rs.5,000/- per month for TGTs and Rs.5,500/- for PGTs, while their counterparts appointed regularly were drawing monthly salary of Rs.21,745/- even in the minimum of the pay scale and those with periods of service ranging from 22 to 29 years were drawing monthly salary of Rs.45,000/-. These writ petitions were allowed by



the Division Bench vide judgment dated 17.09.2010 noting that the gap in the salaries shocked the conscience of the Court and directing that Petitioners will be entitled to re-fixation of monthly salary at 50% of the pay of regularly appointed Teachers. The judgment of the Division Bench in ***Durraj Fatima (supra)*** was followed by another Division Bench in ***Rani (supra)*** and vide order dated 11.05.2016, Court directed Punjabi Academy to grant benefit of the judgment to the Petitioners, who were appointed on contract basis by the Academy. Considering themselves entitled to the benefits of the two decisions, present Petitioners filed these petitions seeking similar reliefs.

CONTENTIONS ON BEHALF OF THE PETITIONERS:

7. Indisputably, Petitioners were appointed by the Academy to teach Punjabi language on part-time basis for a duration of three hours daily, however, as a matter of fact, Petitioners were rendering services on full-time basis, performing administrative duties as also undertaking invigilation and setting of question papers and checking the answer sheets, during the examination while being deployed in the MCD schools. Petitioners performed their duties dedicatedly and with due diligence with no complaints and majority of the Petitioners having been employed in 1980s have rendered over three decades of service in the MCD schools teaching Punjabi language.

8. Petitioners herein are similarly placed as the Petitioners in ***Durraj Fatima (supra)*** and ***Rani (supra)***. Petitioners worked as part-time teachers, teaching Punjabi language and it is nobody's case that the nature of duties were in any manner different and distinct. Decision in ***Durraj Fatima (supra)*** was based on the wide gap in the salaries of part-time Urdu



Teachers and their counterparts who were regularly appointed. As plain reading of the judgment would show, there was no other factor which influenced the Court in holding that Petitioners would be entitled to monthly salaries calculated at 50% of the pay of regularly appointed Teachers of the same level. It was only for the sake of completeness of facts that Division Bench noted that the salary of TGTs was as low as Rs.5,000/- while that of PGTs was Rs.5,500/-. Stand of the Respondents that the writ petitions were allowed basis the higher educational qualifications of the Petitioners therein is completely misconceived and not borne out from the judgment. Misinterpreting the judgment, Respondents have erroneously and illegally denied the benefit of the judgment to the Petitioners on the sole ground that Petitioners herein are part-time untrained Teachers with educational qualifications of Class X/XII, unlike the qualifications of the Petitioners in ***Durraj Fatima (supra)*** who were TGTs/PGTs.

9. Even otherwise, the ground of educational qualification taken against the Petitioners to deny the benefit of the judgment in ***Durraj Fatima (supra)***, is fallacious. Petitioners were appointed pursuant to advertisements providing Matriculation as the minimum educational qualification for eligibility and undoubtedly, Petitioners were appointed only because they were eligible. For years, Petitioners have taught Punjabi language in different MCD schools similar to the Petitioners in ***Durraj Fatima (supra)*** who taught Urdu language and it is nobody's case that their qualifications have been an impediment in their teaching. In fact, the very fact that Petitioners have continued for years demonstrates that their services were upto the mark. Without prejudice to the contention that Respondents cannot take the qualifications possessed by the Petitioners as a factor to deny re-



fixation of their pay, most of the Petitioners are Graduates and Gyanis in Punjabi language with Early Child Care Education from NIOS and some of them also possess B.Ed. Degree.

10. Respondents have misled the Court by concealing the complete Notification dated 23.08.2010 issued by National Council for Teacher Education ('NCTE') under Section 23(1) of the Right of Children to Free and Compulsory Education Act, 2009 ('2009 Act'), wherein minimum qualifications were laid down for eligibility for appointment as a Teacher in Classes I to VIII in a school referred to under Section 2 of 2009 Act. It is concealed that vide paragraph 4 of the same Notification certain categories of Teachers were exempted from acquiring the minimum qualifications laid down in paragraph 1 thereof and being appointed prior to the cut off date of 03.09.2001, Petitioners were exempted from the mandate of higher qualifications. Respondents have deliberately in the written submissions filed on 23.05.2023 made an oblique reference to the Notification but only to the extent of paragraph 1.

11. The judgment of ***Durraj Fatima (supra)*** has been implemented by the Respondents in case of Urdu Teachers similarly placed as the Petitioners. In fact, by this common judgment, Division Bench had also allowed W.P. (C) No. 2221/2010 titled '***Ms. Ishrat Jamal & Ors. v. Govt. of NCT of Delhi & Ors.***', which was challenged by GNCTD before the Supreme Court and SLP (C) No.26954/2011 was dismissed on 19.09.2011. Following this judgment, benefits were given to the contractual Teachers in the Punjabi Academy by implementing the decision in ***Rani (supra)***. Teachers in the Sanskrit Academy similarly placed as the Petitioners have also been given the benefits of higher wages. The Urdu, Sanskrit and Punjabi Academies



function under the administrative control of GNCTD and there is no reason to discriminate between similarly placed part-time Teachers performing the same duties, particularly, when the judgment in ***Durraj Fatima (supra)*** is not even remotely based on educational qualifications.

12. Regular primary Teachers, as per the case of DoE, are drawing a gross salary of Rs.52,422/- per month and therefore in terms of the judgment in ***Durraj Fatima (supra)***, Petitioners are entitled to 50% of the said salary i.e. Rs.25,211/- per month. Contrary thereto, the last drawn salary of majority of the Petitioners is less than Rs.7,000/-. In 2010, the Division Bench in ***Durraj Fatima (supra)***, had observed that it shocked the conscience of the Court that Petitioners were drawing a salary of Rs.5,000/- per month while they ought to have received at least Rs.20,000/-. 15 years have gone by from the year in which the judgment was pronounced and the salaries drawn by most Petitioners are marginally over Rs.5,000/-, while in some cases, they are even below the said figure. At the time of initial appointment, many Petitioners were drawing monthly salary of Rs.500/- which has shockingly increased to approximately Rs.7,000/- per month over a span of three decades and it needs no gainsaying that the wage is far below the monthly wage of an unskilled labour, which as per Notification dated 26.09.2024, issued by GNCTD is Rs.18,066/-. A semi-skilled worker as per this Notification draws a monthly salary of Rs.19,929/- while a skilled worker takes home Rs.21,917/-, i.e. three times the salary of the Petitioners, who have been teaching Punjabi language for years to further the aims and objectives of the State to promote Indian languages of the country and preserve its heritage.

13. Petitioners are entitled to a minimum of 50% salary of the regular



Teachers going by the provisions of Section 23(1) and (3) of the 2009 Act on account of the fact that they possess the minimum qualifications advertised at the time of their appointments. Sub-Section (1) of Section 23 provides that any person possessing such minimum qualifications, as laid down by an academic authority, authorized by the Central Government, by Notification, shall be eligible for appointment as a Teacher and sub-Section (3) stipulates that salary and allowances payable to, and the terms and conditions of service of, teacher shall be such as may be prescribed.

CONTENTIONS ON BEHALF OF RESPONDENT NO. 1/ACADEMY and RESPONDENT NO. 2/GNCTD

14. On behalf of Respondent No. 2/DoE, GNCTD, it was submitted that in order to fulfil the aims and objectives of Punjabi Academy of promoting Punjabi language, literature and culture in Delhi, Punjabi Language Teaching Scheme was introduced in 1985-86 and under the Scheme, part-time Punjabi language Teachers were deployed in those schools where there was demand for learning the language from parents of the students and the Heads of the schools and where minimum number of students interested in learning Punjabi was 6. No selection process was followed for these appointments and any individual who had knowledge of Punjabi and could teach, read and write the language and was registered with the Academy was sent to respective schools for teaching upto 3 hours. As per the terms and conditions of appointment, the appointments were on a consolidated monthly remuneration to be paid by the Academy for part-time engagements and it was stipulated in the appointment letters that the appointees will not be eligible for regularisation and will not claim any right or privilege in that regard and/or any other service benefits. The engagements were purely



temporary/*ad hoc*. Initially, the Finance Committee of GNCTD in 1985 increased the remuneration to Rs.500/- per month for middle level schools and Rs.600/- per month for senior/secondary level. Increase in the remuneration was considered again in 1990 by Finance and Staff Selection Committee, Punjabi Academy and the remuneration was increased to Rs.600/- per month for primary level, Rs.700/- for middle level and Rs.800/- for senior/secondary level. Later, the remuneration was further increased in the year 2000 and thereafter in the year 2007.

15. Following the Cabinet Decision dated 28.05.2016, remuneration of various categories of Teachers was increased on the basis of Consumer Price Index Norm (CPI), whereby remuneration of TGT (Untrained), M.A. Gyani was fixed at Rs.8,150/-; for TGT (Untrained), B.A. Gyani was fixed at Rs.7,520/- and for Assistant Teacher (Untrained) Secondary/Senior Secondary was fixed at Rs.6,580/- and it was decided that in future the increase will be made based on CPI, as applicable on 01st April of each year. After the Cabinet Decision, in the year 2023, part-time Assistant Teachers (untrained) with Class 10+2 qualifications are drawing monthly salary of Rs.7,168/- whereas those with B.A. and M.A. qualifications are drawing monthly salaries of Rs.8,192/- and Rs.8,885/- respectively and there cannot be any grievance that there is no increase in the remuneration of the Petitioners.

16. Appointment letters of the Petitioners are self-explanatory. They were appointed to work part-time for three hours duration each day and the nature of appointments was purely temporary/*ad hoc*. The educational qualification required for appointment was Matriculation and basis this qualification, the remuneration was fixed at the time of offering the appointments. Acquiring



higher qualifications subsequently will not give any right to the Petitioners to claim higher remuneration and least of all to compare themselves with regularly appointed Teachers, who are drawing a higher pay scale on account of their qualifications and mode of appointment etc. Clearly, Petitioners were not appointed as per the Recruitment Rules of DoE and they did not fulfil the requisite qualifications stipulated in the Rules for appointment of Assistant Teacher. Petitioners have admittedly not cleared the competitive examinations conducted by Delhi Subordinate Service Selection Board (DSSSB), which is the mode of recruitment of regular Teachers in GNCTD. Indisputably, Petitioners were engaged under a special Scheme to promote Punjabi language by the Punjabi Academy, which is a society registered under the Societies Registration Act and no funds are granted by DoE to the society.

17. Appointment of the language Teacher i.e. TGT (Punjabi, Urdu, Sanskrit) is done as per Recruitment Rules of DoE which stipulate appointment of a TGT only through promotion or direct recruitment whereas Petitioners were appointed without any selection process, basis the fact that they knew how to read and write Punjabi language and on demand from MCD schools. Petitioners cannot compare themselves with regularly appointed Assistant Teachers working on sanctioned posts as there are stark differences in qualifications, mode of recruitment and nature and duration of duties and Petitioners were well-aware of this distinction from the dates of their initial appointments. Consequently, no claim can be made that Petitioners should be given monthly salary calculated at 50% of the salary of a regularly appointed Assistant Teacher.

18. Part-time Punjabi Teachers in the Academy filed W.P. (C) 1080/1994



in this Court seeking regularisation, which was dismissed on 16.11.1998 on the ground that being part-time employees, Petitioners could not seek regularisation. Regular process of appointment was initiated by DoE but some Petitioners were ineligible and many failed to qualify the selection process and hence continued as part-time Teachers. In the primary schools run under aegis of DoE, Punjabi is not taught as a subject and it is only if some students in a school are desirous of learning Punjabi as a language, requests are sent by MCD or other authorities running the schools to the said effect and the Academy deputed these Teachers to teach the language.

19. The decisions in *Durraj Fatima (supra)* and *Rani (supra)* were no doubt implemented but these decisions are inapplicable to the present cases as the Petitioners therein possessed higher qualifications and were TGTs/PGTs. The decision in *Rani (supra)* was implemented for those part-time Teachers who had B.Ed. qualifications but had not studied Punjabi as a subject and were therefore not entitled to be appointed as regular Teachers to teach Punjabi. Arrears were calculated at 50% of Basic Pay+HRA+DA+TA upto July, 2016 and were paid to all part-time Teachers. Insofar as untrained Teachers were concerned, remuneration was enhanced and fixed at Rs.6,300/-, Rs.7,200/- and Rs.7,800/- respectively for three categories viz. those with 10+2 qualifications; those who were graduate; and those who possessed M.A. Degree. On yearly basis, remuneration has been increased following CPI and as in April, 2023, the remuneration was Rs.7,168/-, Rs.8,192 and Rs.8,885/- in the respective categories.

20. Broadly, Teachers working in the Academy can be broadly categorised as: (a) part-time Teachers, who are B.A./M.A. but not qualified for Assistant Teacher and not selected through DSSSB and simply deputed



by the Academy on demand. Remuneration of this category was fixed on the basis of judgment in *Durraj Fatima (supra)*, at 50% of the salary (Basic Pay + DA) drawn by the regular Teacher; (b) Assistant Teacher (Untrained) with qualifications of B.A./M.A. and Gyani. As per Cabinet Decision, their salary was fixed on basis of existing payment being made plus CPI every year and as in 2023 the monthly wage was Rs.9,165/-; and (c) Assistant Teacher (Untrained) with B.A. qualification. In this case, monthly salary was fixed on existing payment plus CPI every year and was Rs.8,448/- in 2023; and (d) Assistant Teacher (Untrained) having passed Class X/XII. Monthly salary for this category was fixed on the existing salary plus CPI and was Rs.7,392/- in 2023.

21. There is a clear distinction between the Petitioners, who were engaged on part-time basis for teaching Punjabi for three hours a day and an Assistant Teacher who teaches Classes I to V mostly in MCD schools and is required to take classes in all subjects i.e. English, Maths, Science, Hindi and Social Studies. Therefore, the two classes cannot be equated, either in terms of the nature of duties performed or the number of hours for which they worked and the claim for 'equal pay for equal work' by the Petitioners is wholly misconceived. Petitioners have miserably failed to establish that they were performing duties similar to regular Teachers. More importantly, DoE has no sanctioned post of Assistant Teacher (Punjabi) in any of its schools and which is why no individual from the Academy has been engaged on the post of Assistant Teacher.

22. Notification dated 23.08.2010 issued under Section 23 of the 2009 Act does not rescue the Petitioners since they do not meet the minimum qualifications prescribed therein nor have they cleared the Teacher



Eligibility Test ('TET') prescribed in the Notification. Minimum qualifications under the Notification are as follows:-

"1 Minimum Qualifications

(i) Classes I-V

(a) Senior Secondary (or its equivalent) with at least 50% marks and 2 - year Diploma in Elementary Education (by whatever name known)

OR

Senior Secondary (or its equivalent) with at least 45% marks and 2 - year Diploma in Elementary Education (by whatever name known), in accordance with the NCTE (Recognition Norms and Procedure), Regulations 2002:

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor of Elementary Education (B. El.. Ed.)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 2 - year Diploma in Education (Special Education)

AND

(b) Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose."

23. Much was argued by the Petitioners that their cases are similar to those of the Petitioners in ***Durraj Fatima (supra)***, which is an incorrect submission. A bare reading of the judgment makes it evident that Petitioners in the said cases possessed qualifications of an Assistant Teacher *albeit* they were part-time Teachers. A minor difference in fact will make the judgment inapplicable. Petitioners have conceded during the course of hearing that they are not claiming regularisation, which is the main relief sought in the writ petitions and therefore, the petitions are rendered infructuous. Salaries of the Petitioners are in consonance with the nature and duration of their work and the appointment letters, which they willingly accepted.

24. Petitioners were completely aware from the beginning that they did not fulfil the minimum qualifications for appointment as regular Assistant



Teacher but despite many opportunities, they did not take the initiative to acquire the qualifications required under the applicable Recruitment Rules. As per Rule 100 of the Delhi School Education Rules, 1973 ('DSEAR'), Petitioners are not eligible for appointment as part-time Teachers and their services were liable to be terminated but Respondents have been magnanimous to continue their services for over three decades but this magnanimity cannot be stretched to granting them wages at 50% of those paid to regularly appointed Teachers possessing qualification of B.Ed.

25. Be it noted that at the fag end of the arguments, a letter was handed over in Court on behalf of the Academy written and signed by the Secretary stating that the untrained Teachers are being paid salary as per Cabinet Decision which have been increased from time to time as per CPI. A proposal has been sent to the Government after approval of the Executive Committee of the Academy for placing the matter before Cabinet for fixing the wages as per minimum wages, notified from time to time, for different categories i.e. Matric, Non-Graduates and Graduates.

ANALYSIS AND FINDINGS:

26. The moot question arising for consideration before this Court in these writ petitions is whether Petitioners are entitled to re-fixation of salaries at 50% of the salary drawn by a regular Primary/Assistant Teacher in light of the decisions of the Division Bench in *Durraj Fatima (supra)* and *Rani (supra)*, since Petitioners have expressly given up their claim for regularisation.

27. The backdrop to these petitions is that in order to fulfil the aims and objectives of the Punjabi Academy to promote Punjabi language, literature



and culture in Delhi, Punjabi Teaching Scheme was introduced in 1985-1986, under which part-time Punjabi language teachers were deployed in those schools where there was demand for learning the language from the parents of the students and Heads of schools and where minimum of 6 students expressed interest in learning the language. To give effect to the scheme, Academy appointed the Petitioners as part-time Punjabi Teachers at a monthly consolidated salary, which, depending on the dates of appointments varied between Rs.500/- to Rs.4,500/-. There was a stipulation in the appointment letters that the appointees will not seek regularization and duration of teaching will be 3 hours a day. As noted above, dates of appointments of the Petitioners vary between 1986 to 1991, save and except two Petitioners who were appointed in 2004 and 2010 respectively. As brought forth, the monthly consolidated salary of the Petitioners starting from Rs.500/- in most cases was marginally increased from time to time and even as per the chart submitted by the Respondents along with their written submissions, the last drawn salary of part-time Assistant Teachers (Untrained) with 10+2 qualification was Rs.7,168/- while that of untrained Teachers with B.A./M.A. was Rs.8,192/- and Rs.8,885/- respectively in the year 2023.

28. Broadly understood, case of the Petitioners is predicated on the judgment of the Division Bench in ***Durraj Fatima (supra)***, wherein the Court observed that it shocked the conscience of the Court to note that part-time Primary Teachers teaching Urdu in Municipal schools were being paid a meagre sum of Rs.5,000/- per month while their counterparts even in the minimum of scale were drawing a salary of Rs.21,745/- and those with several years of service to their credit, ranging from 22 to 29 years were



drawing monthly wage of Rs.45,000/-. Petitioners also contest the stand of the Respondents that they have been rendering service only for three hours in a day *albeit* it is so stipulated in their appointment letters and urged that apart from actual teaching in the school, they were tasked to do administrative jobs, invigilation and other duties, which went well beyond 3 hours. It was strenuously contended that denial of the benefit of the judgment in ***Durraj Fatima (supra)*** to the Petitioners on the ground that they are ‘untrained’ teachers is fallacious. The Court did not grant the relief of pay fixation at 50% of the salary of regular teachers on the basis of educational qualifications possessed by the Petitioners therein and as can be seen from the judgement, the sole reason to allow the petitions was that the Court was shocked at the abnormally low wages that were being paid to the Petitioners i.e. Rs. 5000/- to TGT and Rs.5,500/- to PGT, after rendering over 25 years of service, in comparison to their counterparts. Even otherwise, lack of higher educational qualifications cannot come in the way of the Petitioners for the reason that the requisite education qualification in the advertisements was matriculation, which the Petitioners fulfilled at the time of appointments and it is nobody’s case that there was any difference in the nature of duties performed by the Petitioners herein and the Petitioners in ***Durraj Fatima (supra)***. It was urged that Respondents have overlooked the fact that vide Notification dated 23.08.2010 issued under Section 23(1) of 2009 Act, Petitioners were exempted from acquiring the minimum higher qualifications referred to in paragraph 1 of the Notification *albeit* many have over a period of time acquired qualifications of B.A./B.Ed. or M.A./B.Ed. etc.



29. On the other hand, Respondents contended that Petitioners are part-time untrained Teachers and thus not similarly placed as the Petitioners in the case of ***Durraj Fatima (supra)***, who though being part-time Teachers, were TGTs and/or PGTs and thus possessed requisite educational qualifications of an Assistant Teacher. It was also asseverated that there is no sanctioned post of Assistant Teacher (Punjabi) in the schools run by DoE, besides the fact that Petitioners were not regular Teachers appointed through competitive examinations conducted by DSSSB as per Recruitment Rules. Respondents emphasized that a clear distinction exists in the 3 categories of teachers viz: part-time Teachers who are B.A. and/or M.A. but not qualified for post of Assistant Teacher in MCD schools; Assistant Teacher (Untrained) with qualifications of B.A./M.A. and Gyani; Assistant Teacher (Untrained) B.A. and Assistant Teacher (Untrained) Class X/XII pass, basis which the salaries are fixed. It was also contended that Petitioners are/were part-time Teachers teaching Punjabi language only for three hours a day unlike other Teachers who teach Classes I to V mostly in MCD schools in all subjects and possess minimum educational qualifications prescribed in Notification dated 23.08.2010 viz. senior secondary or its equivalent with at least 50% marks and two year Diploma in Elementary Education or senior secondary or its equivalent with at least 45% marks and two year Diploma in Elementary Education, in accordance with NCTE Regulations, 2002 or senior secondary or its equivalent with at least 50% marks and four year Bachelor of Elementary Education or senior secondary or its equivalent with at least 50% marks and with two year Diploma in Special Education and have cleared Teacher Eligibility Test conducted by the Appropriate Government in accordance with Guidelines of NCTE.



30. In the written submissions dated 02.04.2025 filed on behalf of the Academy and DoE, it is stated that judgment of ***Durraj Fatima (supra)***, which pertains to Urdu Academy was implemented and 50% of the wages were paid w.e.f. 01.01.2000, firstly upto 2014 and thereafter each year. From 01.01.2016, wages of MCD Primary Teachers as per Cabinet Decision were calculated under 6th CPC and taking the Pay Band of Rs.9300-38400 with Grade Pay of Rs.4200/- plus DA, 50% was calculated at Rs.14,383/-. As per Cabinet Decision dated 28.05.2016, there were three other categories of Untrained part-time Primary Teachers with 10+2/Graduate/MA qualifications, who were engaged to teach Punjabi language only and from the very beginning, remuneration of these Teachers was not at par with qualified and trained part-time Punjabi Teachers. With the approval of the Cabinet, the monthly salaries were enhanced to Rs.6,300/-, Rs.7,200/- and Rs.7,800/-, respectively from July, 2016 and were increased from year to year following CPI and between July, 2022 to April, 2023, monthly salaries in the respective three categories are Rs.7,168/-, Rs.8,192/- and Rs.8,885/- respectively. Broadly understood, the case of the Respondents is that Petitioners are part time teachers but untrained as they are X or XII class pass and cannot claim parity with the Petitioners in ***Durraj Fatima (supra)***, who possessed higher educational qualifications and were TGTs and PGTs *albeit* employed on part-time basis.

31. These batch of petitions to my mind, brings to light a very unfortunate and sorry state of affairs. Petitioners started their journey with the Academy on different dates between 1986 to 1991 and some a little later, with a consolidated monthly salary of Rs. 500/- or marginally higher amount, as the case may be, and have devoted nearly three decades and prime time of their



lives to teaching and promoting Punjabi language in MCD schools. However, shockingly their monthly consolidated salary even today is less than the monthly wage of an unskilled worker fixed as per Notification dated 26.09.2024 issued by Labour Department, Government of NCT of Delhi. From the Notification, it is evident that the monthly wage of an unskilled worker in 2024 is Rs.18,066/- while that of a semi-skilled worker is Rs.19,929/- and of a skilled worker is Rs. 21,917/-. It be noted that during the pendency of these petitions, several opportunities were given to the Respondents to amicably reconcile the issue and enhance the monthly wage but sadly, there was no positive response.

32. From the facts and circumstances that have obtained during the hearing, there is little doubt that Respondents are completely oblivious of the Constitutional goals and Directive Principles of State Policy as also Fundamental Rights enshrined in Articles 14, 21 and 23 of the Constitution of India. One wonders whether in a post-Constitutional era, a welfare State as a model employer can be justified in defending its action of paying to the teachers employed by it a wage below the minimum wage of an unskilled labour. It shocks my conscience to note that after 25-30 years of service as Punjabi language teachers, Petitioners' last drawn salaries are less than Rs.7,000/-. In ***Sukanya Shantha v. Union of India and Others, 2024 SCC OnLine SC 2694***, the Supreme Court observed that the Constitution recognises dignity and individual autonomy inherent in all citizens and their right to life and personal liberty. Liberty and autonomy advance the cause of human dignity and when individuals are granted freedom to make choices about their lives, the freedom fosters a sense of self-worth and respect, thereby recognising individual dignity and by safeguarding these principles,



we ensure that intrinsic worth of every human being is recognised and upheld. In transformation of society against colonial and pre-colonial ideology, Constitution seeks to assure values of a just, humane and compassionate existence to all the citizens.

33. The Supreme Court further observed that in a post-Constitutional society, law must take affirmative steps to achieve equal protection of law to all its citizens and any discussion on Constitution must therefore take a conscious view of the lived realities of citizens. Constitution of India is an emancipatory document and not just a legal document and in India's social structure, it is a quantum leap. Constitution mandates replacement of fundamental wrongs with fundamental rights. Chapter on Fundamental Rights places provisions on equality, non-discrimination, equality of opportunity, affirmative action, abolition of untouchability, freedom of speech, right to life and prohibition of forced labour together. Justice Krishna Iyer called the Constitution 'a great social document, almost revolutionary in its aim of transforming a medieval, hierarchical society into a modern egalitarian democracy' in his concurring opinion in *State of Kerala and Another v. N. M. Thomas and Others*, (1976) 2 SCC 310. The Supreme Court referred to the seven-Judge Bench decision in *Maneka Gandhi v. Union of India and Another*, (1978) 1 SCC 248, wherein the Supreme Court had emphasised on principles of non-arbitrariness and reasonableness and held that Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment.

34. In the context of the present cases, I may also allude to the observations of the Supreme Court in the context of Article 23(1) of the Constitution which provides '*traffic in human beings and begar and other*



similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law'. The Supreme Court observed that Article 23(1) provides an enforceable fundamental right against social and economic exploitation and aims to prohibit human trafficking, begar and similar forms of forced labour. Foundations of Article 23 were laid even prior to discussions in the Constituent Assembly when Dr. Ambedkar in his work titled 'States and Minorities' in 1947 conceptualized the interlinkages between one's economic condition and the ability to exercise fundamental rights. Dr. Ambedkar proposed that rights of individuals should be protected from exploitation by adopting a favourable constitutional framework as exploitative socio-economic practices can hinder the right to live a dignified life.

35. The Supreme Court in ***Sukanya Shantha (supra)*** further observed that the term 'begar' largely refers to those practices where workers are either unpaid or paid very little for their jobs and is entrenched in India's social system, against which Article 23 makes a blow. Reference was made by the Supreme Court to the judgment in ***People's Union for Democratic Rights and Others v. Union of India and Others, (1982) 3 SCC 235***, wherein the Supreme Court considered the scope of the terms 'begar' and 'forced labour' under Article 23(1) by treating a letter as a writ petition and examined the grievances of the Petitioners that labourers were not being paid the minimum daily wages. It was observed by the Supreme Court that framers of the Constitution adopted Article 23 to put an enforceable obligation on the State to end bonded labour, which was the 'relic of feudal exploitative society' and 'incompatible with the new egalitarian socio-



economic order'. It was also observed that the phrase 'forced labour' is of wide amplitude and would cover instances where a person provides labour or service to another for remuneration which is less than the minimum wage. Referring to the said decision, the Supreme Court in ***Sukanya Shantha (supra)***, observed that this judgment laid down an important constitutional principle that when fundamental rights such as those under Article 23 are violated, it is the constitutional obligation of the State to take necessary steps to interdict such violations and ensure observance of the fundamental rights even by private individuals, who are transgressing the same. Reference was also made to the decision in ***Sanjit Roy v. State of Rajasthan, (1983) 1 SCC 525***, where the Supreme Court observed that State cannot be permitted to take advantage of helpless conditions of affected persons and extract labour or service from them on payment of less than the minimum wage. No work of utility and value can be allowed to be constructed on the blood and sweat of persons, who are reduced to a state of helplessness due to their conditions.

36. In the context of Article 23, it will be apposite to advert to observations of the Supreme Court in ***People's Union (supra)***. It was observed that ordinarily no one would be willing to supply labour or service to another for less than the minimum wage and therefore, it may be legitimately presumed that when a person does so, he is acting under the force of some compulsion which drives him into work though he is paid less and this is what is prohibited by Article 23.

37. The judgment of the Division Bench in ***Durraj Fatima (supra)***, was predicated entirely on these principles, wherein it was observed that it shocked the conscience of the Court that even after 22 to 29 years of service, a teacher takes home a salary of Rs.5,000/- and it cannot be overlooked that



this judgment was pronounced in the year 2010 and even today, the monthly wage of the Petitioners herein is less than Rs.7000/-. Relevant passages from the judgement are as follows:-

“10. Thus, once we lift the veil, we find that the source of funds utilized to pay the monthly remuneration to the petitioners is either the Government of NCT Delhi or the Municipal Corporation of Delhi. The petitioners admittedly rendered service in government schools and thus the quid pro quo is complete in the form of funds flowing from the Government of NCT Delhi and the Municipal corporation of Delhi who then become the recipient of the services rendered by the petitioners. The status of Urdu Academy is merely of a canalizing agency.

11. Neither party brought to the notice of the court that the schools established and run by the Government of NCT Delhi and the Municipal Corporation of Delhi as also all other private schools recognized and operating in the Union Territory of Delhi are statutorily regulated by the provisions of the Delhi school Education Rules 1973 which prohibits appointment of part time teachers except in primary schools or primary classes of a school. As per Rule 101(1) of the Delhi school Education Rules 1973 it is lawful to engage part time teachers in primary schools or in the primary classes of a middle level or the senior secondary schools but on regular basis. Sub-rule 2 of Rule 101 mandates that the salary of a part time teacher has to include the allowances which 'shall be one-half of those of a full-time teacher appointed on a regular basis'. The proviso to sub-rule 2 of Rule 101 requires that medical facilities and other benefits (not being pensionary or retirement benefits) admissible to a Part-Time Teacher have to be the same as admissible to a Full-Time Teacher.

12. If there is a mandate of law, the same cannot be violated by the Executive and there cannot be a contract contrary to law. Contractual appointments of part time teachers, even if resorted to has to be as per the Statute and thus under no circumstances can Part Time Teachers be paid salary and other allowances less than one-half of what is paid to the Full-Time Teachers appointed on a regular basis.

13. Let us work upon and expose the prejudice caused to the petitioners by the high handedness of the State. As noted by us above the pay band of Primary Teachers, TGTs and PGTs is Rs.9300-34800/-. The grade pay is Rs.4200/-, Rs.4600/- and Rs.4800/- respectively. Thus, on joining, as of today the pay packet per month of a Primary Teacher would be:-

Basic Pay : Rs. 9300/-

Dearness Allowance : Rs. 3255/-

Grade Pay : Rs. 4200/-



HRA :Rs. 2790/-

TA : Rs. 2200/-

Total: Rs.21745/-

14. It shocks the conscience of this Court to note that the part-time Primary Teachers teaching Urdu in the Municipal Schools are being paid a meager sum of Rs.5,000/- per month and their counterparts, even in the minimum of the scale draw a minimum monthly salary of Rs.21745/- with additional benefits of Contributory Provident Fund. The shock to the conscience of this Court gets aggravated when we note that all the petitioners have crossed their middle age and have been teaching for various periods ranging from 22 years to 29 years and applying the pay scale, giving increments, as regularly appointed Teachers would be drawing a minimum monthly wage of Rs.45,000/- and what they are getting is only Rs.5,000/- per month.

15. But our shocked conscience needs to be absorbed at least 50% for the reason as part-time Teachers their legal entitlement would be to be paid half the salary and other allowances. The reduced shock still jolts us when we find that in the minimum of the pay scale, being entitled to 50% the teachers teaching in Primary Schools should be entitled to at least Rs.10872.50 in the minimum of the scale. Thus, we find a fairly shocking discrimination vis-a-vis the teachers teaching in the primary schools under the MCD and not so less a shocking discrimination vis-a-vis their counterparts who are teaching under Schools established by the Directorate of Education, Government of NCT Delhi.

16. The aforesaid illustrations are on the minimum of the pay scale and if annual increments have to be accounted for, we find that the petitioners who are teaching in the schools established by the MCD are being paid one-fourth of their due which has to be 50% of the wage which they would have received as full time Teachers. To put it in figures, with annual increments and thereafter reducing the pay to 50%, the petitioners teaching Urdu in Municipal Schools ought to be receiving at least Rs.20,000/- per month and as against that are being paid Rs.5,000/- per month. Their counterparts teaching in the Senior Secondary Schools are receiving approximately half of their due.

17. We dispose of the writ petitions issuing a mandamus to the respondents to release the salary due and payable to the petitioners with reference to the mandate of Rule 101 of the Delhi School Education Rules 1973 and as explained by us herein above. Noting that the petitioners raise the claim when they filed writ petitions in this Court in the year 2000 which were transferred for adjudication to the Tribunal, we direct that arrears would be paid with effect from 1.1.2000 and the same would be calculated by determining the wages payable as per Rule 101 of the Delhi



School Education Rules 1973 with reference to the pay scales applicable to the regularly appointed teachers and the entitlement of the petitioners would be 50% of the wages payable. Since the Director of Education is charged with the statutory duty of ensuring compliance with the provisions of the Delhi School Education Rules 1973 and the rules framed there-under our mandamus is directed to the Director of Education to ensure compliance not only pertaining to the Government Schools directly under his control but even the Municipal Schools.

18. We note that we have not decided the claim of the petitioners for being paid equal wages on account of performing full duties for the reason there is no material to support the said plea.”

38. A bare reading of the judgment shows that the Petitioners before the Division Bench were also part-time Teachers employed with Urdu Academy for teaching Urdu language for a duration of three hours per day. This Court is unable to discern from the judgement that the decision to grant 50% of the wages paid to the counterpart regular teachers was based on the higher educational qualifications possessed by the Petitioners and/or the fact that they were TGTs/PGTs, a distinction sought to be drawn by the Respondents ingeniously but erroneously, in denying the benefit of the judgment to the Petitioners herein. Clearly, what weighed with the Court was the fact that having served as Teachers for 22 to 29 years, Petitioners were drawing a meagre salary of Rs.5,000/-/Rs.5,500/- per month respectively, while a regularly appointed Teacher with equal years of service was drawing a minimum monthly wage of Rs.45,000/-. It is in this backdrop that direction was issued to the Respondents to fix the salaries of the Petitioners at 50% way back in 2010. Admittedly, as per the chart filed by the Respondents, even as in the year 2022, monthly salaries of what the Respondents term as ‘*untrained teachers*’ is about Rs.7000/-, despite the Division Bench holding in the year 2010 that monthly salaries of Rs.5,000/- or Rs.5,500/- were



unconscionable. Significantly, the Division Bench did not enter into the controversy as to whether the Petitioners were working full-time or part-time as can be seen from paragraph 18 of the judgment, wherein the Court observed that the claims of the Petitioners for equal wages were not being decided on account of their performing full duties for the reason there was no material to support the said plea.

39. Even otherwise, in the backdrop of the judgments of the Supreme Court referred above and Article 23 of the Constitution, there is little doubt that the action of the Respondents, called in question in these petitions, cannot withstand the test of judicial scrutiny and must be interdicted. State as a model employer cannot be heard to justify payment of a monthly wage of about Rs. 7000/- to teachers in 2025, having served for decades in promoting the goals and objectives of the State to preserve the heritage of the country. This is nothing short of exploitation, an evil sought to be eradicated and prohibited under Article 23 and needless to state Directives in Articles 39, 41 and 42 of the Constitution are completely violated.

40. Courts have from time to time advocated enforcement of fundamental rights against social and economic exploitation and held that the term 'forced labour' is of wide amplitude and includes in its fold cases where employees are forced by circumstances to take up employment at wages below the minimum wage, which is exactly the case here. As a model employer, GNCTD is bound to ensure enforcement of Article 23(1) and prohibit employment at meagre wage. State action must be fair, reasonable and far from arbitrary and tested on this anvil, the question is whether a wage of Rs.6,720/- or marginally higher than that can be said to be a fair wage for a teacher with 30 years of service and the answer can only be in the



negative. In my view, no reasonable or prudent person could stand up to justify a wage below the minimum wage after 75 years from the making of the Constitution and 78 years from independence. Instead of taking forward the Constitutional goals and enforcing Article 23(1), even today strangely and shockingly, Respondents stand to canvass every possible argument under the sun to contest these petitions.

41. The gross facts of these cases remind me of the observations of the Supreme Court in ***Jacob M. Puthuparambil and Others v. Kerala Water Authority and Others, (1991) 1 SCC 28***, which I quote hereunder:-

“8.There are certain other provisions which enjoin on the State certain duties, e.g. securing to all workers work, a living wage, just and humane conditions of work, a decent standard of life, participation in management, etc. which are aimed at improving the lot of the working classes. Thus the Preamble promises socio-economic justice, the fundamental rights confer certain justiciable socio-economic rights and the Directive Principles fix the socio-economic goals which the State must strive to attain. These three together constitute the core and conscience of the Constitution.

9. India is a developing country. It has a vast surplus labour market. Large scale unemployment offers a matching opportunity to the employer to exploit the needy. Under such market conditions the employer can dictate his terms of employment taking advantage of the absence of the bargaining power in the other. The unorganised job seeker is left with no option but to accept employment on take-it-or-leave-it terms offered by the employer. Such terms of employment offer no job security and the employee is left to the mercy of the employer. Employers have betrayed an increasing tendency to employ temporary hands even on regular and permanent jobs with a view to circumventing the protection offered to the working classes under the benevolent legislations enacted from time to time.....”

42. Denial of a decent wage to the Petitioners and benefit of the judgment in ***Durraj Fatima (supra)*** is primarily predicated on the difference in the educational qualification possessed by the Petitioners at the time of their appointments. The denial has absolutely no basis in law for the simple



reason that the Petitioners were appointed on fulfilling the requisite qualifications stipulated in the respective advertisements and this fact is uncontroverted. This is besides the fact that the judgment in ***Durraj Fatima (supra)*** had nothing to do with the educational qualifications of the Petitioners therein. It is nobody's case that Petitioners perform duties different from the teachers teaching Urdu or Sanskrit language and/or that their Matriculation or 10+2 qualification have been an impediment in their teaching. The very fact that Petitioners have continued for decades demonstrates their competence and capabilities and certainly makes them entitled to a decent wage after serving for a lifetime. Additionally, Notification dated 23.08.2010 issued under Section 23(1) of 2009 Act, exempts the Petitioners from acquiring higher qualifications specified in paragraph 1 thereof since they fall in the exempted category, having been appointed prior to the date of issue of the Notification. This is yet another reason why the educational qualifications of the Petitioners cannot stand in their way from being given the benefit of the judgment in ***Durraj Fatima (supra)***.

43. Though subtly, it was also argued on behalf of the Respondents that when Petitioners took up employment, they were well-aware of the nature of their appointments as also the wages they were entitled to. This very argument was negated by the Supreme Court in ***Dhirendra Chamoli and Another v. State of U.P., (1986) 1 SCC 637***, where the Supreme Court observed as under:-

“2.It is peculiar on the part of the Central Government to urge that these persons took up employment with the Nehru Yuvak Kendras knowing fully well that they will be paid only daily wages and therefore they cannot claim more. This argument lies ill in the mouth of the Central Government for it is an all too familiar argument with the exploiting class and a



welfare State committed to a socialist pattern of society cannot be permitted to advance such an argument. It must be remembered that in this country where there is so much unemployment, the choice for the majority of people is to starve or to take employment on whatever exploitative terms are offered by the employer. The fact that these employees accepted employment with full knowledge that they will be paid only daily wages and they will not get the same salary and conditions of service as other Class IV employees, cannot provide an escape to the Central Government to avoid the mandate of equality enshrined in Article 14 of the Constitution. This article declares that there shall be equality before law and equal protection of the law and implicit in it is the further principle that there must be equal pay for work of equal value.....”

44. In light of the facts obtaining in the present cases, I am constrained to hold that the act of the Respondents in fixing the wages of the Petitioners below the minimum wage and denying them the legitimate right to seek benefit of the decisions in ***Durraj Fatima (supra)*** and ***Rani (supra)***, cannot be given a legal cover or protection. Cases of the Petitioners are squarely covered by the said decisions, entitling them to the same relief.

45. Accordingly, it is directed that Respondents shall re-fix the salaries of the Petitioners in accordance with the judgment in ***Durraj Fatima (supra)*** at 50% of the salary of a regularly appointed Assistant/Primary Teacher. The exercise of re-fixation of the salaries of the Petitioners shall be carried out and completed within 8 weeks from today and arrears will be released within 4 weeks thereafter. Petitioners are also held entitled to interest @ 6% per annum from the dates due till the dates of actual payment.

46. Writ petitions are allowed and disposed of in the aforesaid terms along with pending applications.

JYOTI SINGH, J

JULY 15, 2025/shivam