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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 697/2018 & CM APPLs. 31024/2025, 52158/2025

JEETENDRA KUMAR SINGH

.....Petitioner

Through: Petitioner in Person.

versus

DEV SAMAJ MODERN SCHOOL NO 2

.....Respondent

Through: Ms. Anita Sahani & Mr. Shivam
Garg, Advocates.
Mrs. Avnish Ahlawat, Standing
Counsel with Aliza Alam,
Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.08.2025

1. The petitioner has filed this contempt petition, alleging violation of an order dated 28.08.2017, passed by the Division Bench of this Court in LPA 567/2017. The said order reads as follows:-

“Issue notice. Ms. Ishaan Madaan, Advocate accepts notice. The appellant had successfully questioned the order of his termination before the Delhi School Tribunal (DST) [hereafter "the Tribunal"]. The respondent/school which had employed him approached this Court under writ proceedings contending that the observations with respect to the nature of the appellant's employment made by the Tribunal were vague.

Agreeing with that observation, learned Single Judge clarified that the appellant was never appointed to the position of TGT.

We have heard learned counsel for the parties and are of the opinion that any final observation with respect to the appellant's status need not have been made, given the circumstance that what he was aggrieved by when he went to the Tribunal was the order of



termination.

*In the given circumstances, the liberty given to the school to initiate disciplinary proceedings would oblige it to pay subsistence allowance. In these circumstances, the impugned order is modified to the extent that the observations with respect to the petitioner's nature of employment (i.e. TGT/PRT) shall not be read as conclusive. At the same time, the appellant/respondent school shall ensure **that the appellant is paid Subsistence Allowance subject to his making the necessary statements in terms of Rule 116 of the Delhi School Education Rules, 1973 in tune with the last salary drawn having regard to the appropriate stages of the pay scale, from the date of suspension.***

The appeal is accordingly disposed of along with the pending applications.”

[Emphasis supplied.]

2. The aforesaid appeal was directed against the order dated 20.02.2017, by which a writ petition [W.P.(C) 1453/2017], filed by the petitioner herein, against an order of the Delhi School Tribunal, was disposed of. The order of the learned Single Judge dated 20.02.2017, provided *inter-alia* as follows:

“2. By this writ petition, the petitioner/Dev Samaj Modern School impugns the judgment of the Delhi School Tribunal (DST) dated 13.1.2017 by which the DST has set aside the termination of services letter issued by the petitioner dated 6.3.2014 on the ground that respondent no.2's services could not be terminated without following the procedure provided under the Delhi School Education Rules, 1973 (hereinafter referred to as 'the Rules') of conducting an enquiry. DST holds that the respondent no.2 effectively is a confirmed employee of the petitioner/school in view of the judgment passed by this Court in the case of Hamdard Public School Vs. Directorate of Education and Anr. 202 (2013) DLT 111.

3. Learned counsel for the petitioner agrees that since it was not a case of the petitioner before the DST that respondent no.2 fell under exception of Rule 105(3) of the Rules, accordingly, if the respondent no.2 has to be removed from services the same can only be after following due process of law under the Rules. Counsel for the petitioner only argues that DST however has left the issue vague as to the respondent no.2 being reinstated at which post, and which clarification be given by this Court that respondent no.2 since was working as a Primary Teacher with the petitioner, respondent no.2 be



*reinstated at the post of PRT. Learned counsel for the respondent no.2 has no objection to this clarification and accordingly the respondent no.2 will stand reinstated with the petitioner/school to the post of Primary Teacher. **However, liberty in accordance with law is granted to the petitioner to take any such action which the petitioner deems fit as against the respondent no.2 whether of abandonment of services or corporal punishment to a student or respondent no.2 not being adequately qualified for being confirmed in the post and with respect to which this Court makes no observations on merits one way or the other.***

4. Writ petition is disposed of with the aforesaid observations.”

[Emphasis supplied.]

3. The petitioner’s request for review of the aforesaid order [Review Petition No. 129/2017] was rejected on 27.04.2017. He filed an appeal [LPA No. 567/2017], which was disposed of by order dated 28.08.2017. The order of the Division Bench was challenged by the petitioner before the Supreme Court in a Special Leave Petition [SLP (C) No. 35675/2017], which was dismissed by order dated 08.01.2018.

4. In the meanwhile, after disposal of the matter by the Single Judge, the respondent-Dev Samaj Modern School No. 2 [“the School”] passed an order dated 09.03.2017, stating that the petitioner was deemed to be suspended under Rule 115(4) of the DSER. The petitioner has challenged this order in W.P.(C) 7080/2018, which remains pending.

5. The petitioner’s contention in this contempt petition is that subsistence allowance was not being paid to him in accordance with the order of the Division Bench.

6. During the pendency of the contempt petition, an order was passed on 16.08.2024, wherein the contention of the School, that the subsistence allowance could not be released due to an ambiguity on the status of the petitioner, was rejected. As far as computation of the amount due is concerned, the Court directed as follows:-



“5. Learned counsel for the school is, however, correct that in order to expedite the payment and to obviate any further delay, it would be appropriate if the calculation of the amounts is carried out by a neutral party, i.e. an officer of the Directorate of Education. It is accordingly directed that DDE, Zone-29 will call the Petitioner and Authorized Representative of the school on 29.08.2024 and based on the respective calculations furnished by them prepare a report on the amounts due to the Petitioner towards subsistence allowance. Without prejudice to the rights and contentions of either party, the amount calculated by the DDE shall be paid to the Petitioner within six weeks thereafter.”

[Emphasis supplied.]

7. The Deputy Director of Education has thereafter passed an order dated 20.11.2024, computing the subsistence allowance due to the petitioner for the period of 09.03.2017 to 31.10.2024 as Rs. 11,00,903/-. After adjustment of Rs. 5,79,205/- already paid to him, the Deputy Director has computed the balance to be paid at Rs. 5,21,698/-.

8. By an order dated 20.05.2025, the School was permitted to deposit the amount in this Court, on its contention that the petitioner was not available at his recorded address.

9. The order of the learned Joint Registrar on 30.07.2025, records that the School has deposited the sum of Rs. 5,24,698/-. The order reads as follows:-

“File is placed before this Court vide order dated 27.01.2025 for releasing the amount to the petitioner by the School subject to the petitioner filing the affidavit of undertaking.

Mr. Jeetendra Kumar Singh is present in Court in person. Pursuant to order dated 20.05.2025 of the Hon'ble Court, School was directed to deposit the sum of Rs. 5,24,698/- with the registry.

As per office note, an amount of Rs. 5,24,698/- has been deposited on 31.05.2025 on behalf of respondent.

Original affidavit of undertaking has already been filed by the petitioner and the same is on record.

Vide order dated 20.05.2025, it is directed that list the application bearing CM No. 31024/2025 on 26.08.2025 before the



Hon'ble Court.

However, matter is coming up for hearing before the Hon'ble Court on 26.08.2025. Be placed accordingly."

[Emphasis supplied.]

10. It may be noted that the petitioner was directed to file an affidavit of undertaking as a condition for deposit of the aforesaid amount, which was filed on 27.02.2025.

11. As the amount has been deposited in terms of the aforesaid order, I do not consider it necessary to proceed further in these contempt proceedings. Although it is the contention of the petitioner, who appears in person, that the amount deposited has not been correctly computed in terms of the order passed by the Division Bench, the Court had directed the computation to be carried out by the Directorate of Education, which has already been done and complied with. The case, in my view, is therefore not one of wilful disobedience of an order, which alone requires institution of contempt proceedings.

12. As noted above, the amount which has been deposited in Court is on account of subsistence allowance, and the order of the Division Bench dated 28.08.2017 required payment of amount to the petitioner. With the consent of Ms. Sahani, the Registry is, therefore, directed to release the amount to the petitioner, subject to his furnishing an affidavit stating his current address and telephone number, and also undertaking to file an updated address and telephone number, if there is any change in the contact details.

13. As the petitioner's writ petition against the order of suspension, remains pending, it is made clear that this order is passed without



prejudice to the rights and contentions of the parties in the writ petition, or to any proceedings with regard to computation.

14. The contempt proceeding is disposed of in terms of the above. All pending applications also stand disposed of.

PRATEEK JALAN, J

AUGUST 26, 2025

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