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

Date of Decision: 24th March, 2026

+ **CONT.CAS(C) 1365/2016 & CM APPLs. 22846/2017, 1962/2021**

VISHWAJYOTI

.....Petitioner

Through: Dr. Vikrant Narayan Vasudeva and
Mr. Arindam Gupta, Advocates.

versus

VIRENDER KUMAR SARDANA

.....Respondent

Through: Mr. Manish Gupta, Ms. Manaswee,
Mr. Vivek Chandrasekar and Mr.
Jigyasa, Advocates for R-1.
Mr. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Ms. Vishruti Pandey and Mr.
Sachin Garg, Advocates for DoE.
Mr. Hitendra Kr. M., Advocate for
Delhi Arya Pratinidhi Sabhba.

+ **W.P.(C) 7884/2019 & CM APPLs. 1177/2021, 1209/2021**

ANJU RANI

.....Petitioner

Through: Dr. Vikrant Narayan Vasudeva and
Mr. Arindam Gupta, Advocates.

versus

DAYANAND ADARSH VIDYALAYA AND ORS.Respondents

Through: Mr. Manish Gupta, Ms. Manaswee,
Mr. Vivek Chandrasekar and Mr.
Jigyasa, Advocates for R-1.
Mr. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Ms. Vishruti Pandey and Mr.
Sachin Garg, Advocates for DoE.
Mr. Hitendra Kr. M., Advocate for



Delhi Arya Pratinidhi Sabhba.

+ **W.P.(C) 5053/2020 & CM APPLs. 18234/2020, 9904/2021, 17558/2022, 50004/2024, 75400/2024**

DEEPA CHHIBBER & ORS.

.....Petitioners

Through: Ms. Asha Jain Madan and Mr. Mukesh Jain, Advocates.

versus

DAYANAND ADARSH VIDYALAYA & ORS.Respondents

Through: Mr. Manish Gupta, Ms. Manaswee, Mr. Vivek Chandrasekar and Mr. Jigyasa, Advocates for R-1.

Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi, Ms. Vishruti Pandey and Mr. Sachin Garg, Advocates for DoE.

Mr. Hitendra Kr. M., Advocate for Delhi Arya Pratinidhi Sabhba.

+ **W.P.(C) 17353/2022**
VISHWAJYOTI

.....Petitioner

Through: Dr. Vikrant Narayan Vasudeva and Mr. Arindam Gupta, Advocates.

versus

DAYANAND ADARSH VIDYALAYA & ORS.Respondent

Through: Mr. Manish Gupta, Ms. Manaswee, Mr. Vivek Chandrasekar and Mr. Jigyasa, Advocates for R-1.

Mr. Yeeshu Jain, ASC with Ms. Jyoti Tyagi, Ms. Vishruti Pandey and Mr. Sachin Garg, Advocates for DoE.

Mr. Hitendra Kr. M., Advocate for Delhi Arya Pratinidhi Sabhba.

+ **W.P.(C) 227/2023 & CM APPLs. 21488/2023, 2831/2025**
RAM ROOP SHARMA AND ORS.

.....Petitioners

Through: Ms. Asha Jain Madan and Mr.



Mukesh Jain, Advocates.

versus

DAYANAND ADARSH VIDYALAYA AND ORS.

.....Respondents

Through: Mr. Manish Gupta, Ms. Manaswee,
Mr. Vivek Chandrasekar and Mr.
Jigyasa, Advocates for R-1.
Mr. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Ms. Vishruti Pandey and Mr.
Sachin Garg, Advocates for DoE.
Mr. Hitendra Kr. M., Advocate for
Delhi Arya Pratinidhi Sabhba.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. These five matters are being disposed of by this common order. They arise out of the affairs of the same recognised private school, namely Dayanand Adarsh Vidyalaya, Tilak Nagar, and, though instituted by different Petitioners, raise substantially common questions. The core controversy in the batch concerns salary and service dues, and the legal effect of the school having stopped functioning from 1st April, 2020 without any formal order of closure from the Directorate of Education. One of the matters is a contempt petition instituted by Vishwajyoti. The others are writ petitions by present or former members of the teaching and non-teaching staff. The overlap in facts, record, and issues is such that the matters are more appropriately decided together than in isolation. It is clarified that, for the sake of convenience, references to the parties by their respondent



numbers are in terms of their array in W.P.(C) 5053/2020, and the same nomenclature is followed for all connected petitions.

Claims and controversy

2. There is no serious controversy on the limited point that salaries and retiral dues, if otherwise found payable, were obligations of the school. The real dispute begins when the school seeks to found legal consequences on what it describes as closure. According to the Petitioners, salaries were paid only up to 31st March, 2020, and substantial arrears also remain due on account of implementation of the 7th Central Pay Commission with effect from 1st January, 2016. It is their case that, from 1st April, 2020 onwards, the management stopped paying the staff and simultaneously brought the educational activity of the school to a halt. It is argued that this could not amount to lawful closure, since prior approval of the Directorate of Education was never obtained.

3. The school, on the other hand, says that the institution had become financially unviable and that student strength had fallen sharply. It points out that a request for closure had already been made on 17th July, 2019 with effect from 1st April, 2020; that no fresh admissions were taken thereafter; that there was no meaningful academic activity or fee inflow; and that salaries up to 31st March, 2020 were met out of donations and sale of assets. The further submission on behalf of the school is that, whatever be the legal position on formal approval, the school had in substance ceased to exist from 1st April, 2020. It is also said that no liability beyond the assets of the school itself can be fastened upon the society, the managing body, or any other entity merely associated with the premises.

4. That is where the real controversy begins. The question is whether a



recognised school can be treated as closed merely because the management stopped admissions, discontinued classes, issued communications to parents, and put the institution under lock, though no approval for closure was ever granted by the Directorate of Education. Put differently, can stoppage in fact be treated as closure in law, or does the statute require something more formal and exacting? The answer affects not only the legal status of the school after 1st April, 2020, but also the service rights of the Petitioners and the continuing obligation to meet salary and other dues.

5. The second question follows close behind. If there was no lawful closure, and yet the school was stopped by those in control of it, can liability be confined to the school alone, especially when it is said that the school has no real assets left? The Petitioners submit that the record shows that the school was being run within a larger management structure, and that the law does not permit those who took the decision to stop the school to retreat behind the plea that the school, viewed as a separate unit, has no attachable assets. The school resists this. It says that the land does not belong to it, that the society cannot be made answerable merely because of historical association, and that no provision of the Act or the Rules authorises the Court to convert the dues of the school into a general liability of the society or the management.

6. The stand of the Directorate of Education also has an important place in the controversy. In the material placed before the Court, the Directorate records that the request for closure was still under consideration and that the matter had to be examined at different levels in terms of the statutory scheme. It also records that the school had, in fact, stopped its educational activities on its own without awaiting prior approval, and that closure would



be permitted only after the salary of all staff had been paid up to date. The inspection carried out by the Directorate likewise records that, as on the date of inspection, the premises were not functioning as a school in any real sense. That position, however, was itself attributed to the management having shut down activities without the necessary approval.

7. The Petitioners also rely on the course of prior proceedings to say that the management has, for years, resisted compliance with salary obligations while repeatedly invoking financial difficulty as an answer. Vishwajyoti's earlier litigation forms part of that backdrop. At the same time, the contempt petition cannot be treated as if it were simply another writ petition in a different form. It stands on a narrower footing and must be examined with care, particularly because an earlier order had left subsequent causes of action to be worked out in appropriate independent proceedings. That is why, although all five matters can appropriately be heard together, the contempt petition may still require a separate conclusion on its scope and maintainability.

The Rival Stands

8. The rival stands may now be noticed in some greater detail. On the Petitioners' side, the argument is direct. They say the school could not, by its own unilateral act, put itself outside the statutory framework. According to them, salaries were first withheld, the functioning of the school was then gradually brought to a halt, students were pushed out or transfer certificates were issued, and the management now seeks to describe that factual shutdown as a legal closure. Their submission is that the statute does not permit that course. So long as prior approval for closure was not granted by the Directorate of Education, the school continued to exist in law, the



Petitioners continued in service, and the obligation to pay salary and other service dues did not disappear. They also say that the plea of financial distress is not new, has been taken before, and cannot once again be used as a shield against salary obligations, including those arising from implementation of the pay commission regime.

9. The Petitioners further argue that the school was never an isolated unit acting on its own. Their stand is that the institution was originally set up by Arya Samaj, Tilak Nagar; that what came to be described at one stage as Arya Vidya Parishad formed part of the larger management structure; and that Delhi Arya Pratinidhi Sabha, after affiliation, exercised real control over the affairs of the school. On that basis, they seek to carry liability beyond the school itself and onto the bodies or entities said to have actually controlled it. In substance, their submission is that those who could decide to stop the school cannot now step back and say that there is no one left to answer the teachers' claims.

10. The school's answer proceeds on a different footing. It says the Court should see the matter as one of institutional collapse rather than deliberate wrongdoing. Dayanand Adarsh Vidyalaya was a no-profit, no-loss school run on modest fee receipts; it had no reserves worth the name; the burden of revised pay scales, falling enrolment, and mounting expenditure made continued operation impossible; and repeated litigation only worsened an already fragile financial position. It says a formal request for closure was made on 17th July, 2019 with effect from 1st April, 2020, after the management concluded that it could no longer run the institution. It also says that staff, parents and students were informed of that decision in advance, that there were no fresh admissions, no students in any meaningful



sense, no fee inflow, and no classes, and that by 1st April, 2020 the school had ceased to function for all practical purposes. On this case, salaries up to 31st March, 2020 were paid out of donations and sale of assets, terminal dues of some employees were also cleared, and nothing further can be demanded from a school which had, in substance, come to an end.

11. The school also resists the attempt to widen the net of liability. It says that, whatever may have been the historical background of the institution, the Petitioners cannot move from one entity to another in search of a deeper pocket. In its telling, the school was established by Arya Samaj, Tilak Nagar; the structure described by the Petitioners is confused; the so-called Arya Vidya Parishad Society was wrongly described; and Delhi Arya Pratinidhi Sabha has no role in the internal management of the school. The school therefore maintains that, even assuming any amount remains payable, that liability cannot automatically be shifted onto some other society merely because of affiliation, historical association, or the circumstance that the land or building is said to have been made available by another body.

12. The Directorate of Education occupies a more guarded position. Its affidavits do not support the proposition that closure stood approved. On the contrary, the Directorate records that the school had applied for closure under Rule 46 with effect from 1st April, 2020; that the request had to be examined on several parameters, including financial viability, employee liabilities, and the interest of students; and that the decision on closure remained pending before the competent authority. At the same time, the material placed by the Directorate records what the management was asserting on the ground, namely that the school had stopped functioning from 1st April, 2020, that students had largely taken transfer certificates or



moved elsewhere, and that salaries up to 31st March, 2020 had been paid out of donations and sale of assets. In the later inspection as well, the manager's stand, as noted by the Directorate, was that the school was under closure from 1st April, 2020 because of financial constraint, though no order approving closure was placed on record.

13. Delhi Arya Pratinidhi Sabha, once impleaded, took a position of complete dissociation. It says that it is only an affiliating charitable body which brings various Arya Samaj institutions under a common umbrella, but does not run this school, did not appoint its staff, did not manage its daily affairs, and cannot be turned into an answering Respondent merely because the Petitioners now seek to treat affiliation as management. It also points to the Directorate's later affidavit to say that, according to the official record, the school was run by Arya Samaj, Tilak Nagar, and not by Delhi Arya Pratinidhi Sabha. In short, its stand is that neither factual control nor legal responsibility has been shown against it.

14. Set against that is the Petitioners' rejoinder to Delhi Arya Pratinidhi Sabha, which is not merely a formal denial. The Petitioners say that the reply of Respondent No. 6 carefully avoids the real question, namely who in fact exercised control over the school over the years. They rely on correspondence, internal documents, and the constitutional framework of the Arya Samaj bodies to say that affiliation in this case was not merely nominal, and that management and control had, in substance, come to rest with Respondent No. 6 and bodies operating under it. They also rely on the later dispute concerning the land and building to say that the facts now emerging do not support a complete disavowal by the wider management structure.



Issues

15. That, then, is the field of contest. The Petitioners say there was no closure in law, only an unlawful stoppage of functioning, and that salary liability continues and can be enforced not only against the school but also against those who were truly running it. The school says the institution had, by force of circumstance, ceased to exist in any workable sense from 1st April, 2020, that salaries could be borne only up to that point, and that no liability can be fastened beyond the school itself. The Directorate says closure was never approved, though the management had stopped running the school and the matter remained under consideration. Delhi Arya Pratinidhi Sabha says it has been wrongly drawn into a dispute with which it has no managerial connection. The questions that now require determination are, therefore, these: what is the legal effect of the school having stopped functioning without prior approval; whether the Petitioners must still be treated as continuing in service after 1st April, 2020; and whether, on the material placed on record, liability can be carried beyond the school to any society, committee, or parent body said to stand behind it.

16. One qualification may be noted at this stage. Although the common questions are substantial, the reliefs claimed are not entirely identical across the batch. At least one Petitioner has confined her claim up to the date of resignation, and some claims may require separate treatment at the stage of relief, depending on resignation, retirement, gratuity, or the period for which salary is claimed. That variation, however, does not affect the central questions of closure and liability, which remain common across the matters.

Discussion and reasons

17. Before the Court can address who must pay, it must first decide what,



in law, happened to the school. That question comes first for a reason. If the school stood lawfully closed with effect from 1st April, 2020, the shape of the Petitioners' rights, and the corresponding obligations of the Respondents, would have to be examined in one way. If, however, there was no closure known to law, and what occurred was only a unilateral stoppage of functioning by the management, the matter looks altogether different. In that event, the school could not, by locking its premises or discontinuing classes, step outside the statutory regime that governs recognised schools, nor could the service rights of employees be extinguished by administrative fait accompli. The issue of liability therefore cannot be approached in the abstract, still less on sympathy or hardship alone. It turns, at the threshold, on the legal character of what the management did. That is why the Court must begin with closure, because until that question is answered, every further submission on salary, dues, continuing service, and the reach of responsibility remains suspended in the air.

Whether the school can be treated as closed in law merely because it stopped functioning from 1st April, 2020

18. The school's submission, essentially is this: student strength had fallen, finances had collapsed, no fresh admissions were taken, classes stopped, the premises were locked, and from 1st April, 2020 the institution had, for all practical purposes, come to an end. That submission describes a state of affairs on the ground. It does not, by itself, answer the legal question. The Act and the Rules do not leave closure of a recognised school to factual drift or managerial declaration. They place that subject inside a statutory process.

19. That position becomes plain once the scheme is read as a whole.



Section 3 of the Delhi School Education Act makes the establishment, opening of higher classes, and closing down of existing classes subject to the Act and the Rules. Section 4, in turn, treats financial stability and regular payment of salary and allowances as continuing conditions of recognition. The law, therefore, does not proceed on the footing that once a school becomes financially weak, the management may simply stop operating it and then invite the Court to accept the stoppage as closure. Financial weakness is itself one of the matters regulated by the statute.

20. Rule 46 then states the matter in direct terms. No managing committee can close a recognised school, or even an existing class in such school, without full justification and without prior approval of the Director, who must consult the Advisory Board before granting that approval. The insistence on prior approval is mandatory. It is the legal control through which the law protects students, staff, and the integrity of the regulatory framework. A recognised school is not permitted to decide for itself that it will stop functioning today and seek legal validation later, still less to claim that physical shutdown is enough.

21. Rule 55 does not assist the school. At first sight, the management may be tempted to rely on the provision that recognition lapses if a recognised school ceases to function without previous approval. But that rule speaks to the regulatory consequence of an unlawful act. It does not confer legitimacy on that act. In other words, unlawful cessation may trigger lapse of recognition; it does not convert that cessation into an approved closure under Rule 46. The difference matters. Rule 46 concerns lawful closure. Rule 55 deals with what follows when the statutory conditions are broken. The latter cannot be used to neutralise the former.



22. The decision in *Manju Tomar & Ors. v. NCT and Ors.*¹ carry this issue almost to the point of conclusion. The Division Bench of this Court held that closure of the school without prior permission of the Director was illegal, even though the school had in fact become non-functional on the ground. It nevertheless granted ex-post facto sanction only because the factual situation had become irreversible, while making it clear that the management could not take advantage of its own wrongful conduct and could not alter the service conditions of employees to their detriment. The Supreme Court has now stated the position even more clearly.² It held that the “closure” contemplated for the purpose of Rule 47 must be a valid closure, that is to say, one carried out with prior approval under Rule 46. It further held that where the school was closed *de hors* Rule 46, the management could not use that very illegality to shift the burden of staff salaries and service benefits elsewhere.

23. That reasoning fits the present controversy with considerable force. On the school’s own showing, what existed here was, at best, a request for closure and not an order of closure. The management may have decided to stop admissions, suspend classes, communicate its intention to parents, or lock the premises. None of that amounts to a closure in the eye of law so long as the Director had not granted approval under Rule 46. On the present record, the Directorate’s position has consistently been that the application for closure remained under consideration and that the school had stopped educational activity on its own without waiting for approval. The matter must therefore be approached on the footing that what occurred from 1st

¹ 2009 SCC OnLine Del 4036

² *NDMC & Anr. v. Manju Tomar & Ors.*, 2024 SCC OnLine SC 2272



April, 2020 was unilateral stoppage of functioning, not lawful closure.

24. This distinction is not technical. It goes to the root of the defence. If factual shutdown alone were enough, Rule 46 would be reduced to a formality that managements could ignore first and explain later. The law is framed to prevent exactly that. The Director must examine whether the justification is real, whether employee liabilities can be met, whether students can be protected, and whether closure should at all be permitted. That is why consultation with the Advisory Board is built into the rule itself. It is also why the Director, while granting closure, may impose conditions. The decision in *Anjna Sharma v. Shishu Bharti Vidyalyaya*,³ recognises this expressly and holds that Rule 47 may serve as a guide while framing conditions under Rule 46, including conditions concerning absorption of teachers and students in other schools run by the same society.

25. Once that is understood, the school's argument from practical reality loses much of its force. A lock on the gate may show that the management has stopped discharging its obligations. It does not prove that those obligations have come to an end. The law draws a distinction between "the school has been shut by the management" and "the school stands closed in law". The first may be a fact. The second requires statutory approval. Until that approval is granted, the management cannot be heard to say that the institution had already ceased to exist for legal purposes.

26. There is another reason why the school's case cannot be accepted. The Act does not treat salary obligations and financial viability as matters that disappear upon managerial choice. Section 10 secures parity of scales of pay and benefits for employees of recognised private schools. Section 8



protects service conditions and, in the case of termination, insists on prior approval of the Director. Section 20 empowers the Administrator to take over management where the managing committee or manager has neglected duties imposed by the Act or the Rules. The statutory response to default, therefore, is regulation, correction, and, where necessary, takeover. It is not self-effected extinction by the management.

27. In fact, Section 20(5) makes the position especially clear. Even where the school building belongs to another person and rent is payable for it, the statute still contemplates takeover of management, with rent continuing to be paid to the person entitled. The ownership of the premises, therefore, has no bearing on whether the school can be treated as having lawfully disappeared. A school may function in premises owned by another body, yet remain fully subject to statutory control.

28. For these reasons, the Court is unable to accept the proposition that the school stood closed in law from 1st April, 2020 merely because the management stopped running it from that date. What the record discloses is not lawful closure under Rule 46, but unilateral cessation of functioning pending, and without, statutory approval. The legal consequences must follow from that finding. The management cannot derive an advantage from its own decision to stop the school first and seek legal recognition of that position later. So long as approval under Rule 46 was absent, the school remained within the statutory fold, and the rights of its employees could not be treated as having been washed away by the management's act of closure in fact. The issue is answered accordingly.

Whether liability can be carried beyond the school and, if so, upon whom

³ 2013 SCC OnLine Del 4933



29. Once the plea of lawful closure is rejected, the argument that the matter ends because the school has no funds loses much of its force. The Act does not treat payment of salary as a matter left to managerial convenience. Recognition itself depends upon adequate funds to ensure financial stability and regular payment of salary and allowances. The Act also protects employees against unilateral termination by insisting upon prior approval of the Director, and it secures parity in pay and service benefits with employees of corresponding status in schools run by the appropriate authority. In that statutory setting, financial inability may explain the management's predicament, but it does not dissolve the obligation.

30. It is also difficult to accept the Respondents' argument to view the school as a free-standing shell, entirely detached from the society or trust behind it. The Act defines the "manager" as the person entrusted with the management of the affairs of the school, and the "managing committee" as the body entrusted with the management of a recognised private school. Every recognised school must have an approved scheme of management. The Rules then carry that idea forward: the managing committee is to be constituted in part in accordance with the rules and regulations of the society or trust by which the school is run, and the scheme of management must provide that the managing committee remains subject to the control and supervision of that society or trust. Bills, including salary bills of teachers and non-teaching staff, are to be jointly signed by the manager and the head of school. The statute, in other words, does not treat the school, the managing committee, the manager, and the running society as wholly unrelated compartments.

31. The financial rules point in the same direction. They do create a



discipline of separate accounting: the trust or society running a recognised school cannot itself collect fees from students; the school must collect them in its own name; the fund is to be kept in the name of the school; and withdrawals are to be made jointly by the head of school and the manager. But that separation of accounts is not the same thing as insulation from responsibility. On the contrary, in the case of a recognised unaided school, fee income must be applied in the first instance towards pay, allowances and other employee benefits. Only the savings, after making provision for retirement benefits, developmental needs and reserve, may be used by the managing committee for capital expenditure of the school or for establishing or assisting another institution under the same society or trust. The statutory design therefore gives employees' dues priority and, at the same time, recognises the reality of a shared educational enterprise under one society or trust.

32. For that reason, the fact that the land or building may stand in the name of a society does not, by itself, answer the issue. The Act gives a wide meaning to school property and includes property belonging to, or in the possession of, the school, along with the rights and interests arising out of it. More importantly, Section 20 proceeds on the footing that management of a school may be taken over even where rent for the building remains payable to another person entitled to receive it. The statute therefore recognises that the premises may not belong beneficially to the school as owner, yet the school remains a regulated institution whose obligations survive and whose management may still be proceeded against. A rent-free or permissive occupation from a society, by itself, does not place the institution outside that framework.



33. The case law cited by the Petitioners also point in the same direction, though with an important limit. In *Anjna Sharma*, this Court upheld the Director of Education's power, while granting closure under Rule 46, to impose conditions requiring the same society to absorb students and teachers in other schools run by it and to continue paying the teachers their existing pay and perks. The Court also observed that, in such a setting, the liability was ultimately that of the society from its accruals, whether or not the particular branch that had closed remained operational. That line of reasoning is significant because it shows that, where the school is in truth one unit within a society-run network, the law does not insist on treating the closed branch as the only pocket from which relief may be drawn.

34. The decision in *Manju Tomar* supplies the second piece. The Supreme Court, while affirming the decision of the High Court, made it clear that a management which closes a school without prior approval under Rule 46 cannot use Rule 47 to push the burden of salaries and service benefits onto another authority. The High Court's direction permitting payment to the staff and reimbursement from the management was left undisturbed, and the Supreme Court expressly reiterated that NDMC could pursue reimbursement from the management responsible for the illegal closure. The principle that emerges is plain enough: an unlawful closure does not scatter liability into the air. It keeps responsibility anchored to those who ran and controvert the functioning of the school and took the decision to stop it contrary to law.

35. That, however, does not mean that every body with some historical or organisational association can automatically be made liable. The law supports liability against the society or trust by which the school is run, or



against the management which in fact controlled the school's affairs. It does not justify fastening salary liability upon a body merely because it granted affiliation, shared a common name, or had some structural linkage. Affiliation simpliciter is too thin a foundation. The better test is one of real and effective control: who established the school, who constituted or controlled the managing committee, who dealt with the Directorate, who managed the funds, and who took or authorised the decision to stop the school.

36. On the present record, however, that factual position is not free from difficulty. On one hand, Respondent No. 1 itself asserts that Arya Samaj (Regd.), Tilak Nagar established the school, constructed the building, and brought it into existence, and the Scheme of Management places the Governing Body and constitution of the Managing Committee within its fold.

37. On the other hand, the material relied upon by the Petitioners, as well as the stand reflected in the Directorate's own record, indicates the involvement of Arya Vidya Parishad and the broader organisational framework of Delhi Arya Pratinidhi Sabha. The Directorate's affidavit refers to Respondent No. 2 as the body running the school and records that the request for closure was made by it. The said affidavit also, though without clarity or supporting particulars, describes Respondent No. 2 as a "society". Certain communications on record also indicate that the Managing Committee was reconstituted by Arya Vidya Parishad and that it corresponded with statutory authorities in relation to the affairs of the school.

38. These circumstances do suggest that the school functioned within a



larger institutional framework and that entities other than Respondent No. 7 may have had a role in its affairs. At the same time, there is no clear and consistent material demonstrating that the approved Scheme of Management stood altered, or that control over the Managing Committee, finances, and administration was formally transferred in accordance with law.

39. The record, therefore, presents a mixed and inconclusive picture. While there are indicators pointing towards the foundational role and structural control of Arya Samaj (Regd.), Tilak Nagar, there are also materials suggesting operational involvement of Arya Vidya Parishad and references in the Directorate's record attributing responsibility to it. The factum of affiliation itself is also not supported by formal documentation on record, but is sought to be inferred from surrounding circumstances.

40. In these circumstances, it would not be appropriate for this Court, on the present record, to conclusively determine whether effective control over the school, at the relevant time, vested in Respondent No. 7, or in Respondent Nos. 2 and 6, or in some combination thereof. To fasten liability upon any one of these entities would require a definitive finding as to actual control over management, finances, and the decision to close the school, which the present material does not clearly establish.

41. What is, however, clear in law is that liability cannot be avoided altogether. The statutory scheme, read with the decisions in *Anjna Sharma* and *Manju Tomar*, makes it plain that the obligation to satisfy salary and service dues rests not merely on the school as a nominal unit, but extends to the society or management which in fact ran the school and took the decision to cease its functioning.

42. Accordingly, while primary liability remains with Respondent No. 1



school, the question as to which of the respondent entities, i.e., Respondent Nos. 2, 6, or 7, was in effective control of the school at the relevant time, and is therefore liable to meet the dues, is left to be examined by the Directorate of Education on the basis of its records and such further material as may be called for, in the manner indicated hereafter.

Conclusions and Directions

43. Accordingly, the Directorate shall examine the material on record, including the approved Scheme of Management, records relating to constitution and reconstitution of the Managing Committee, financial control, correspondence with statutory authorities, and the decision-making process leading to cessation of the school's functioning, and determine which entity or entities were in actual management and control of the school. The aforesaid exercise shall be completed within a period of 8 weeks from today. Liability to satisfy the dues determined in these proceedings shall extend to such entity or entities so identified. All rival contentions of the parties in that regard are kept open.

44. The contempt petition stands on a different footing. Vishwajyoti's earlier contempt proceedings were closed after the Court found that the arrears covered by the earlier order stood paid, and when a later grievance was raised in respect of a subsequent period, liberty was expressly granted to take recourse to appropriate independent proceedings. The present batch already includes such independent proceedings. In that view, it is neither necessary nor appropriate to continue the contempt petition as an independent vehicle for adjudicating later salary claims.

45. Accordingly, the following directions are issued:

45.1 CONT.CAS(C) 1365/2016 is disposed of. No further orders in



contempt are called for in that matter. It is, however, clarified that if the present common order is not complied with, it will be open to the Petitioner to seek enforcement in accordance with law, including by appropriate execution, contempt, or other permissible proceedings.

45.2 W.P.(C) 7884/2019, W.P.(C) 5053/2020, W.P.(C) 17353/2022, and W.P.(C) 227/2023 are allowed in part in the above terms.

45.3 It is declared that Dayanand Adarsh Vidyalaya was not lawfully closed from 1st April, 2020. Any stoppage of activity from that date was only unilateral cessation of functioning without approval under Rule 46 and cannot, by itself, defeat the salary, emolument, service, and retiral claims of the Petitioners.

45.4 Liability to satisfy the directions in this order shall rest jointly and severally upon:

- (i) Respondent No. 1 school; and
- (ii) such other entity or entities as may be determined by the Directorate of Education, in terms of this order, to have been in actual management and control of the school at the relevant time.

45.5 The Director of Education shall, within three weeks from today, nominate a responsible officer, preferably not below the rank of Deputy Director/Accounts Officer, to carry out a Petitioner-wise computation of dues in all four writ petitions. The Directorate shall, within eight weeks from today, undertake and conclude the exercise indicated above for determining the entity or entities in actual management and control of the school at the relevant time.

45.6 Within three weeks thereafter, each Petitioner shall file before the said officer a concise statement of claim setting out:



- (i) the period for which salary/emoluments are claimed;
- (ii) the claim, if any, based on implementation of the 7th Central Pay Commission from 1st January, 2016;
- (iii) gratuity, leave encashment, provident fund, pensionary or other retiral dues, wherever applicable; and
- (iv) amounts already received, if any.

Within the same period, all concerned Respondents, including Respondent Nos. 1, 2, 6 and 7, shall produce before the said officer the complete service and pay records of every Petitioner, including appointment letters, pay fixation, increments, attendance/service books, resignation papers if any, retirement records if any, gratuity/PF details, and full particulars of payments already made.

45.7 The nominated officer shall give hearing to the concerned parties and shall, within eight weeks thereafter, prepare a reasoned Petitioner-wise computation. That computation shall include:

- (i) unpaid salary and emoluments for the admissible period, including statutory benefits such as maternity benefits, leave salary, and other service-related entitlements, wherever applicable;
- (ii) arrears arising from the Petitioners' claim to revised pay, including 7th CPC, and claims based on ACP/MACP or other service progression benefits, to the extent found legally due and not already settled or paid;
- (iii) gratuity, leave encashment, provident fund, pensionary and other retiral dues, wherever applicable;
- (iv) adjustment of payments already made; and
- (v) simple interest at 6% per annum from the date each amount fell due until the date of actual payment.



The computation so prepared shall be binding as to quantification of dues, and liability to satisfy the same shall be enforced against the entity or entities identified by the Directorate of Education in terms of this order.

45.8 In Vishwajyoti's case, the computation shall be made keeping one caveat in view. Nothing in the present order reopens the matters already concluded by the earlier orders in the previous contempt proceedings for the period there dealt with. Her entitlement shall be worked out only for the later period left open to be pursued in independent proceedings, including her claim in W.P.(C) 17353/2022, together with admissible retiral dues consequent upon superannuation on 30th December, 2024.

45.9 In Anju Rani's case, the computation shall be restricted to the period up to 5th September, 2022, being the date of resignation stated on her behalf, together with such terminal dues as may be admissible in law.

45.10. In the case of the Petitioners in W.P.(C) 5053/2020 and W.P.(C) 227/2023, and any other Petitioner in the connected batch, the computation shall be Petitioner-specific. If any Petitioner had neither resigned nor superannuated, the computation shall run up to the date of this judgment. For any such Petitioner, salary/emoluments shall also continue to be paid month to month until one of the following events occurs: lawful closure under Rule 46 with compliance of conditions, lawful termination in accordance with the Act and Rules, or superannuation.

45.11. The amounts so computed shall, upon determination of liability in terms of this order, be paid within four weeks thereafter. In default, the unpaid balance shall thereafter carry simple interest at 9% per annum until payment.

45.12. Any amount already paid pursuant to the interim order dated 23rd



December, 2024 in W.P.(C) 5053/2020 shall be given due adjustment in the final computation. The costs imposed by the orders dated 14th February, 2025, 10th March, 2025 and 25th March, 2025 shall remain separately payable and shall be cleared within three weeks, if not already paid.

45.13. The Director of Education shall also take a final, reasoned decision on the school's application for closure within ten weeks from today, after hearing the school, representatives of the staff, and the concerned managing bodies. While doing so, the Director shall proceed on the footing that there was no lawful closure till approval is granted. If closure is considered, it shall not be permitted to operate in a manner that wipes out accrued employee dues. The Director shall ensure, before granting any such approval, that the dues determined under this order are fully paid or adequately secured, and shall impose such conditions as are permissible in law.

45.14. The Director of Education shall, in the same exercise, take a reasoned view on whether action under Section 20 or any other regulatory provision of the Act and Rules is called for in light of the admitted position that the school stopped functioning without prior approval and withheld salaries thereafter.

46. The petitions are disposed of in the above terms. All pending applications also stand disposed of.

SANJEEV NARULA, J

MARCH 24, 2026

as/ab