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

+ **W.P.(C) 4626/2026 & CM APPLs. 22555-22556/2026**

OMITA MAGO

.....Petitioner

Through: Ms. Sakshi Mehley, Ms. Harshita Kumar, Mr. Sajal Manchanda and Mr. Varun Garg, Advocates.

versus

AHLCON PUBLIC SCHOOL & ORS.

.....Respondents

Through: Mr. Ravi Sikri, Senior Advocate with Mr. Pulkit, Ms. Parul Madaan, Mr. Deepak Yadav and Mr. Nishant Goyal, Advocates for R-1.

Mrs. Avnish Ahlawat, SC (GNCTD) with Mr. N.K. Singh and Ms. Aliza Alam, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.04.2026

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1. The Petitioner is presently employed as a Pre-Primary Teacher with Respondent No. 1/ Ahlcon Public School. By order dated 12th February, 2026, she has been placed under suspension in exercise of powers under Rules 115(1)(d) and (e), read with Rules 122-123 of the Delhi School Education Rules, 1973, consequent to the initiation of disciplinary proceedings. A chargesheet has been issued to the Petitioner, to which she has already submitted her reply.

2. Pending the disciplinary proceedings, the Petitioner has approached this Court assailing the suspension order dated 12th February, 2026, as well as the consequential disciplinary proceedings. The Petitioner further seeks a



direction to Respondent No. 1 to release the withheld salary and allowances from the date of suspension, after adjusting the subsistence allowance already paid. The primary contention advanced on behalf of the Petitioner is premised on an alleged violation of Section 8(4) of the Delhi School Education Act, 1973,¹ urging that the order of suspension has not been approved by the Directorate of Education² as mandated under the said provision.

3. In response, Mr. Ravi Sikri, Senior Counsel appearing for the Respondent School, has handed over a copy of an email communication dated 5th March, 2026, addressed by the Deputy Director of Education (DDE), Zone II, District East, Delhi, to the Principal of the School, which reads as under:

“To: apsmayurvihar <apsmayurvihar1@gmail.com>

*The Principal/Manager, Ahlcon Public School,
Mayur Vihar Ph-I, School ID 1002276*

I am directed to convey that proposal of suspension of Ms. Omita Mago (Pre Primary Teacher), working in The Ahlcon Public School, Mayur Vihar Ph-I, New Delhi (School ID 1002276) under section 8(4) of DSEAR, 1973 has been approved by competent authority.

This issue is for your kind information.

***Sd/-
DDE Zone II
District East, Delhi”***

4. The issue relating to approval of suspension under Section 8(4) of the DSE Act has been considered by a Division Bench of this Court in ***Sharda***

¹ “DSA Act”

² “DoE”



Devi Sanskrit Vidyapeeth v. Director of Education & Anr.³ The relevant observations are extracted hereinbelow:

*“16. It could be urged that sub-section 4 to section 8 refers to prior approval before an order of suspension is passed, and in the present case Ganesh Ram Bhatt had throughout remained under suspension post 30th April, 2011 and a formal order of suspension after the approval of the Director dated 13th January, 2012, was never passed. We would not like to read Section 8(4) of the Act in a narrow and technical manner and would rather refer and rely on the intent behind the provision. Issuing a new or confirmatory letter of suspension on or after 13th January, 2012 would have been a ministerial act and a redundant formality. It is not that Ganesh Ram Bhatt was not suspended and had not remained under suspension post 13th January, 2012. He had not worked. We are examining whether the continued suspension of Ganesh Ram Bhatt would be legal and valid. The appellant-school had always treated and considered Ganesh Ram Bhatt as suspended. **Once the approval was granted it can be held that there was compliance with Section 8(4) of the Act and henceforth the suspension was as per the law and valid. The suspension thereafter would be as per the mandate and requirement of the section 8(4) for the approval of the Director exists and is on record. When approval/sanction is granted after more than 15 days, the approval/sanction is not non est and a nullity.** The Full Bench of the Delhi High Court in the Delhi Public School (supra) had observed that the Managing Committee in the event of non grant of approval by the Director may find it expedient not to take work, but would have to pay the entire salary. Thus Ganesh Ram Bhatt though under suspension, would be entitled to full salary and allowances for the period when the suspension was unapproved. Post the approval, Ganesh Ram Bhatt would be paid the suspension or subsistence allowance.*

17. Therefore, on or after 13th January, 2012 Ganesh Ram Bhatt would be entitled to subsistence allowance and not full salary and allowances. To this extent, we find that the impugned order dated 11th July, 2014 is not in accordance with the mandate of Section 8(4) of the Act. The direction to the appellant-school to pay salary and allowances on or after 13th January, 2012, therefore, is contrary to law and cannot be sustained.

18. However, we do not find any infirmity in the direction for payment of salary and allowances for the period from 15th May, 2011 to 12th January, 2012. Learned counsel for the appellant-school has submitted

³ 2016 SCC OnLine Del 3950.



that the school was not at fault, for there was delay and lapse on the part of the Director of Education in disposing of the request made by the school vide their letter dated 28th April, 2011. Thus, the appellant school should not be burdened and compelled to pay salary and allowances. This aspect and question was examined by the Full Bench of Delhi High Court in the case of Delhi Public School (supra) and it was held as under:-

"30. In fairness to Mr. V.P. Singh, we may state that the main ground on which he wanted reading down of the provisions of Section 8 of the Act was his apprehension to the effect that even in a case where the alleged misconduct committed by an employee of the school is serious warranting immediate suspension and further even when the circumstances of the case justify the approval by the Director of Education, the Director of Education and/or his subordinate functionaries may defeat the objective by intentionally delaying the matter and thereby ensuring that no decision is taken within 15 days from the date of communication of the order of suspension. We have already stated that the petitioner has not challenged the virus of Section 8 of the Act. That apart, in such a situation the Managing Committee of the School would not be remediless. Illegal and/or arbitrary exercise of jurisdiction by the Director of Education in a given case can always be subject matter of judicial review and in such a case it would always be open to the Managing Committee of the school to challenge the inaction and/or wrong decision of the Director of Education. We may observe here that it is the statutory duty cast upon the Director to take appropriate decision within 15 days as to whether approval is to be given or not. He cannot, by delaying the matter beyond 15 days, make it a fait accompli. No doubt, if no decision is taken within 15 days from the date of communication of the order of suspension, the necessary consequence thereof is that the suspension order lapses. However, that does not mean that if no decision is taken at all or the matter is unnecessarily delayed, it would not be permissible for the Managing Committee of the school to insist the Director of Education to take a decision even after 15 days of the communication of the order of suspension. If such a decision is taken, though belatedly, the fresh order of suspension can always be passed. Further, if the Director of Education takes a decision and refuses to accord his approval to the order of suspension and if the Managing Committee in such a case feels aggrieved by the decision, it is always open for the Managing Committee to challenge the decision of the Director of Education by appropriate proceedings on well-established grounds of judicial review that would be available to the Managing Committee in a given case.

31. What we are called upon to decide in this case is the effect on the suspension order passed by the Managing Committee under first proviso



to Subsection (4) of Section 8 of the Act and the effect of non-grant of approval in such a case within a period of 15 days from the date of suspension as contemplated in the second proviso thereof. To that, our answer is that such an order of suspension lapses after a period of 15 days as is clearly contemplated by the second proviso.

32 It is for the Director of School Education, therefore, to consider as to whether such immediacy was required in the facts and circumstances of the case."

[Emphasis Supplied]

5. In light of the foregoing and having regard to the communication dated 5th March, 2026, evidencing approval of the DoE under Section 8(4) of the DSE Act, 1973, the foundational challenge raised by the Petitioner to the suspension order cannot be sustained. Once such approval stands granted, the suspension cannot be said to be vitiated on the ground of delay, as urged by the Petitioner.

6. As regards the prayer for payment of salary and allowances, although the suspension now stands duly approved, the Petitioner would be entitled to full salary and allowances for the interregnum period, *i.e.*, from the date of suspension (12th February, 2026) till the date of approval (5th March, 2026), subject to adjustment of any subsistence allowance already paid. For the period subsequent to such approval, the Petitioner shall be entitled only to subsistence allowance in accordance with law.

7. Insofar as the challenge to the disciplinary proceedings is concerned, this Court is not inclined to examine the same, at this stage. It is trite law that courts, in the exercise of writ jurisdiction, ordinarily refrain from interfering at interlocutory stages of departmental proceedings, intervening only in rare cases of patent lack of jurisdiction or manifest abuse of process.⁴

⁴⁴ Union of India v. Kunisetty Satyanarayana, (2006) 12 SCC 28; Jagmal Singh v. Delhi Transport Corporation, 1995 SCC OnLine Del 495.



In the present case, the disciplinary proceedings are admittedly ongoing, and any observation on the merits of the allegations would be premature and may prejudice the rights of either party. Accordingly, no ground for interference is made out at this stage.

8. Accordingly, the Respondent School is directed to release to the Petitioner the salary and allowances for the period during which the suspension remained unapproved, after due adjustment of subsistence allowance already disbursed.

9. With the aforesaid directions, the present petition is disposed of. All pending applications also stand disposed of.

SANJEEV NARULA, J

APRIL 8, 2026

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