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

+ **W.P.(C) 5715/2026 & CM APPL. 28056/2026**

BHIM SINGH PANWAR

.....Petitioner

Through: Mr. Vineet Tayal, Mr. Nilesh Deep,
Ms. Nishtha Wadhwa and Mr.
Jitendra Kumar Singh, Advocates.

versus

AHLCON PUBLIC SCHOOL & ORS.

.....Respondents

Through: Mr. Ravi Sikri, Senior Advocate with
Mr. Pulkit Tare, Ms. Parul Madaan,
Mr. Deepankar Yadav and Mr.
Nishant Goel, Advocates for R-1 to 4.
Mr. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Mr. Sachin Garg and Ms.
Vishruti Pandey, Advocates for R-5.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

27.04.2026

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1. The Petitioner was employed as a Helper with Respondent No. 1 school for over 32 years. On 14th March, 2026, an incident allegedly occurred wherein the Petitioner reported for duty under the influence of alcohol. The Petitioner has categorically denied the said allegation. Notwithstanding the same, it is the Petitioner's case that he continued to discharge his duties till 1st April, 2026, when he was placed under suspension by an order of the same date, which reads as follows:

*"To,
Mr. Bhim Singh Panwar
Helper*



Subject: Suspension Pending Disciplinary Inquiry

Dear Mr. Bhim Singh Panwar,

It has been reported that on 14th March, 2026, you reported for duty in an allegedly intoxicated condition during working hours within the school premises. You were thereafter referred for medical examination, which confirmed the presence of alcohol. This constitutes a serious act of misconduct and is in direct violation of the code of conduct and established rules of Ahlcon Public School.

Pending examination of the matter, you were permitted to attend the school but were not assigned regular duties in the interest of safety and discipline.

It has also been reported that subsequent to the incident, when you were informed about your conduct being considered as serious misconduct, you arrived at the school and threatened the school's administrative incharge, intimidating him to step outside the school. This act of intimidation, on your instance, is highly unacceptable and aggravates the severity of the incident. The matter is being examined.

Such behaviour undermines the constituted authority/discipline of the school and poses a threat to the safety and well-being of students and staff. It is imperative for all staff members to uphold the dignity and decorum expected within an educational institution.

The matter was placed before the school management committee in its meeting held on 01.04.2026, wherein prima facie case of misconduct was observed and it was resolved unanimously to initiate disciplinary proceedings against you.

Now, therefore, pending disciplinary proceedings, you are hereby placed under suspension with immediate effect, i.e., from 1st April, 2026 as per DSEAR Act & Rule. During the period of suspension:

- 1. You shall not leave station without prior permission of the competent authority.*
- 2. You shall not enter the school premises without prior written permission.*
- 3. You shall be entitled to subsistence allowance as per applicable rules.*
- 4. You shall remain available for the purpose of disciplinary inquiry.*

A separate charge sheet will be issued to you in due course.



You are directed to hand over all school property, documents, and articles in your possession to your reporting officer immediately.

This order is issued by competent authority and is without prejudice to the outcome of disciplinary proceedings.

Kindly acknowledge receipt of this letter.

Yours sincerely,

Sd/-

Designation: Principal

On behalf of the Managing Committee

Ahlcon Public School”

2. Mr. Vineet Tayal, counsel for the Petitioner, submits that the incident in question allegedly occurred on 14th March, 2026, whereas the suspension order was issued only on 1st April, 2026. It is, therefore, contended that the present case does not fall within the ambit of the first proviso to Section 8(4) of the Delhi School Education Act, 1973, which permits “immediate suspension” only in cases of gross misconduct requiring urgent action. It is submitted that the delay of over two weeks itself demonstrates that no such immediacy existed. Consequently, the Respondent school could not have dispensed with the requirement of prior approval of the Director of Education.

3. Without prejudice to the above, it is further submitted that even assuming the case to be one of “immediate suspension”, the second proviso to Section 8(4) mandates that such suspension cannot remain in force beyond a period of 15 days, unless it is approved by the Director of Education within the said period. Since no such approval has been granted till date, the suspension cannot be sustained in law.

4. *Per contra*, Mr. Ravi Sikri, Senior Counsel for Respondents No. 1 to 4, submits that the allegation of reporting to duty under the influence of



alcohol constitutes a serious act of misconduct. The situation was aggravated by the conduct attributed to the Petitioner's son, who allegedly visited the school premises and threatened the administrative in-charge. These facts were placed before the School Management Committee, which, in its meeting held on 1st April, 2026, found a case of misconduct and resolved to initiate disciplinary proceedings. Consequently, the Petitioner was placed under immediate suspension and a memorandum of charges has since been issued.

5. As regards approval from the Director of Education, Mr. Sikri fairly submits that the same is awaited. However, he contends that non-grant of approval within 15 days does not oblige the school to assign any duties to the Petitioner. At best, the consequence would be that the Petitioner becomes entitled to full salary instead of subsistence, in terms of the second proviso to Section 8(4). He further submits that the school had intimated the Director of Education of the Petitioner's suspension on 2nd April, 2026. A copy of the said intimation has been placed on record and furnished to counsel for the Petitioner.

6. Mr. Sikri, on instructions, further submits that in the aforesaid circumstances, the Respondents do not intend to avail the Petitioner's services at present. In response, the Petitioner's counsel states that the Petitioner, nonetheless, is willing to report on duty and shall remain available as and when called upon.

7. In view of the above, the limited issue that arises for consideration is the effect of non-grant of approval by the Director of Education in terms of Section 8(4) of the Act. The said issue is no longer *res integra* and stands settled by the decision in ***Sharda Devi Sanskrit Vidyapeeth v. Director of***



Education & Anr.,¹ as well as the decision of the Larger Bench in ***Delhi Public School & Anr. v. Director of Education & Ors.,²*** wherein it was held as follows:

“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 sub- section (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.

33. The matter may also be considered from another angle.

34. An employer has an inherent right of suspension in the sense that it may not take any work from its employees. But in such a situation, he has to pay the entire salary to the employee. Thus, where in terms of an order of suspension passed under a statute, the employee would be entitled only to the subsistence allowance, as provided for in the rules, he would, in the event the inherent power of suspension of the employer is taken recourse to, be entitled to full salary.

35. In that view of the matter too, despite non-grant of approval by the Director of School Education, the Managing Committee, in the event it is found that it is expedient not to take work from the employee concerned, may take recourse thereto but as noticed hereinbefore, in such a situation, it will have to pay the entire salary and not the subsistence allowance alone.”

8. In view of the above, the present petition is disposed of observing that the suspension order dated 1st April, 2026 shall be deemed to have lapsed upon expiry of 15 days in terms of Section 8(4) of the Act. The Petitioner shall, accordingly, be treated as reinstated w.e.f. 2nd April, 2026 for all legal and financial purposes and shall be entitled to full salary from 1st April, 2026 onwards. However, in terms of the statement made on behalf of the Respondents, the Petitioner shall not be required to report for duty unless

¹ 2016 SCC OnLine Del 3950

² 2003 (67) DRJ 419 (FB)



specifically called upon by the school.

9. In the event approval is granted by the Director of Education on the proposal submitted by the school on 2nd April, 2026, the Respondent school shall be entitled to proceed in accordance with law and in terms of the decision in ***Sharda Devi Sanskrit Vidyapeeth***.

10. In addition to the above, the following clarifications are issued:

(i) Any observations made hereinabove are confined to the consideration of the legal issues arising in the present petition and shall not be construed as an expression of opinion on the merits of the case. All rights and contentions of the parties are left open.

(ii) The Director of Education shall consider the request of the Respondent school dated 2nd April, 2026 independently, on its own merits, and uninfluenced by any observations made herein.

11. With the above directions, the present petition is disposed of. Pending application(s), if any, also stand disposed of.

SANJEEV NARULA, J

APRIL 27, 2026

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