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

+ W.P.(C) 4001/2019, CM APPL. 18141/2019 & CM APPL. 66581/2025

RAMAKRISHNA PUBLIC SCHOOL

.....Petitioner

Through: Mr. Pramod Gupta, with Ms. Himanshi, Ms. Yogita & Ms. Jessica Khera, Advs.

Versus

DIRECTORATE OF EDUCATION AND ANR.Respondents

Through: Mrs. Avnish Ahlawat, SC, GNCTD with Mr. NK Singh, Ms. Aliza Alam & Mr. Mohnish Sehrawat, Advs. for R-1.
Mr. KK Tyagi, Mr. Iftikhar Ahmad & Ms. Garima Tyagi, Advs. for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
12.01.2026

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1. This petition under Article 226 of the Constitution of India has been filed by the Petitioner School assailing the order dated 19th February, 2019 passed by the Directorate of Education.¹ By the impugned order DoE has set aside the suspension order dated 14th August, 2017 and directed the Petitioner School to revoke the suspension of Respondent No. 2 by treating her as on duty for the suspension period, and release pay and allowances in



terms of Rule 121 of the Delhi School Education Rules, 1973.²

2. Respondent No. 2 is the daughter of the erstwhile Manager of the Petitioner School, Late Vidhya Sagar. She was appointed as TGT (Hindi) in the Petitioner School. The school asserts that the appointment was facilitated by her relationship with the then management and that the recruitment process contemplated under the Delhi School Education Act and Rules was not adhered to.

3. In the course of verification of educational qualifications, the school found that the B.Ed degree produced by Respondent No. 2 was issued by Mahila Gram Vidyapitha, Prayag, Allahabad, an institution stated to be unrecognised. The school approached the Association of Indian Universities and thereafter the University Grants Commission³ for verification. The UGC, by communication dated 10th August, 2016, stated that Mahila Gram Vidyapitha had never been recognised under the UGC Act, 1956 and was enlisted as a “fake university”, and that any degree awarded by it was invalid.

4. On the strength of that communication, a show cause notice dated 6th September, 2016 was issued to Respondent No. 2. In her reply dated 15th September, 2016, she accepted that the B.Ed degree had been obtained from Mahila Gram Vidyapitha while maintaining that it was valid. The Managing Committee, in its meeting dated 6th December, 2016, resolved to relieve her from service on the ground that she did not possess the requisite qualification. The school thereafter sought approval from the DoE by letters dated 22nd December, 2016 and 16th January, 2017. By letter dated 1st

¹ “DoE”

² “DSE(A)R”



March, 2017, the Deputy Director of Education (Zone 18) required the school to proceed in terms of Rules 117 to 119 of the DSE(A)R and submit a complete case.

5. On 14th August, 2017, Respondent No. 2 was placed under suspension. The suspension and the proposal for removal were thereafter taken up before the education authorities.

6. Upon examination of the representations made by the teacher against the suspension order dated 14th August, 2017, as well as the School's request dated 04th September, 2018 seeking approval for removal of the teacher from service, the DoE passed the impugned order, holding *inter alia* as under:

“Having gone through the factual matrix of the present case and material placed on records, it reveals as under: -

On the issue of Suspension and Removal from service in r/o Ms. Seema Bhasin:

a. Ms. Seema Bhasin was appointed as TGT Hindi we. 01.04.2008 by the managing committee of the school vide appointed letter dated 01.04.2008.

b. The managing Committee of the said school vide its minutes of meeting dated 14.08.2018 took a decision to suspend Ms. Seema Bhasin TGT Hindi with immediate effect gross violation of rule 123 of DSER, 1973 and a formal order dated 14.08.2018 referred in para 2 above was issued by the chairman of the school for the same.

c. Prima facie, the act of the employee to circulate the message to all the parents of Rama Krishna Public School informing them of Independence day celebration at school on 12.08.2017 is a kind of insubordination and is gross violation of rule 123 of DSEAR, 1973 and the managing committee of the school is empowered to immediately suspend the employee on grave misconduct as per proviso 1 of Section 8(4) of DSEAR, 1973.

d. As per second proviso of Section 8 (4) of DSEAR, 1973 the managing committee of the school is bound to communicate it to the Director (Education) within 15 days from the date of suspension and has to sought approval from him before the expiry of the said period. But in the present case, the managing committee of the said school neither communicated the suspension order dated 14.08.2017, nor it had sought approval from Director (Education) for

³ “UGC”



suspension of Ms. Seema Bhasin and infact, the Managing Committee of the school has continued the suspension of said employee beyond its power. Hence, the suspension beyond the period of 15 days from the issuance of the order is void.

e. That under the provisions of Rule 117 (b) of DSEAR, 1973, the major penalty can be imposed upon an employee of a Private Unaided Recognized School on breach of one or more of the provisions of the Code of Conduct envisaged in Rule 123 of DSEAR 1973 after following the proper procedure as stipulated in Rule 120 of DSEAR, 1973 read with Section 8(2) of DSEAR, 1973.

f. In the present case, as per the material available on record, it is also observed that the constitution of the present Managing Committee is also in question, so in such circumstances, it is doubtful that the decision of suspension and removal from service in respect of Ms. Seema Bhasin has been taken by the valid Managing Committee/Disciplinary Action Committee or not.

g. The said School Authority has failed to submit the proceedings of proper procedure regarding removal from service in respect of Ms. Seema Bhasin as mandated under the above said provisions of DSEAR, 1973.

h. The school authority has firstly sought approval for suspension of Ms. Seema Bhasin (TGT Hindi) on the ground other than that of the fake degree of B.Ed. However the school authority has sought approval for imposing the major penalty of removal from service on the ground of fake B.Ed degree acquired by Ms. Seema Bhasin, this fact is itself contradictory, moreover the suspension of Ms. Sema Bhasin beyond 15 days without the approval of the Competent Authority in itself in void.

i. The penalty of removal from services as proposed by the school authority has been passed without following the procedure laid down under section 120 of the DSEAR, 1973.

Now, therefore, in view of the circumstances as well as in the light of the rule position observed above, in exercise of the powers conferred upon the Director (Education) under Section 8(4) read with Rule 115(2) of DSEAR, 1973, the suspension order dated 14.08.2017 of Ms. Seema Bhasin, TGT Hindi is hereby set aside and the Managing Committee of the Rama Krishna Public School, L Block, Chankya Plance, Pankha Road, New Delhi is directed to revoke the suspension of Ms. Seema Bhasin, TGT Hindi by considering her on duty for the said suspension period and the Managing Committee of the school is also directed to release the pay and allowances to her as per rule 121 of DSEAR, 1973 for the said intervening period and the approval for the removal of the employee from the service is not accorded to."

7. The school argues that the impugned order addresses the matter as though it were a routine disciplinary dispute, without addressing the central premise on which the school proceeded. It is submitted that Respondent No.



2 entered service on the strength of a B.Ed degree which the UGC has declared to be invalid, and the question of her eligibility and continuation could not have been side-stepped. It is also urged that the reasoning of “contradictory grounds” does not flow from the record.

8. Respondent No. 2 supports the impugned order. The case put forward is that she ought not to be visited with adverse consequences as she was herself a victim, and that she has since acquired a B.Ed degree from Chaudhary Charan Singh University, which has been notified to the school and to the DoE.

9. The Court has considered the aforesaid submissions. The UGC communication dated 10th August, 2016, reads as under:

“No. F. 1-2/2015 (AMPC)

August, 2026

*The Principal
Ramkrishna Public School
L-Block Chanakya Place
Pankha Road
New-Delhi-110059*

Subject:- Award for B.ED degree by Mahila Gram Vidhyapitha, Prayag Allahabad in the year 1992 seeking status.

Sir,

With reference to your letter No. RKP 17/F17 dated 06.08.2016 on the above subject I am to inform you that the Mahila Gram Vidhyapith, Allahabad has never been recognised by the UGC in the past. It is not established as per Section 2 (f) and Section 3 of the UGC Act, 1956. It is a fake university and is enlisted in the list of fake universities maintained by the UGC. Any degree awarded by this university is invalid.

*Yours faithfully
(Kiran Barthwal)
Section Officer”*



10. The afore-noted communication is unambiguous in stating that the University which issued the degree to Respondent No.2 was never recognised and that any degree awarded by it is invalid. Once such material is placed before the statutory authority, it becomes necessary to engage with the legal consequence of an appointment and continuation founded on an invalid qualification. That enquiry bears directly on the propriety of directing reinstatement and full monetary consequences as a matter of course under Rule 121 of the DSE(A)R, which is itself designed to operate through a reasoned order of the managing committee upon reinstatement.

11. The subsequent acquisition of a valid qualification, though relevant to future eligibility, does not automatically answer the legality of an appointment secured on the strength of an invalid degree. Service jurisprudence generally treats eligibility at the material time as decisive, and later acquisition does not, by itself, validate an initial ineligibility.⁴ The impugned order does not show a reasoned engagement with that aspect, even though it forms the core of the controversy.

12. The dispute arises under a statutory regime that requires the managing committee to comply with the Act and Rules for suspension and major penalty, including the requirement that an immediate suspension on the ground of gross misconduct cannot remain in force beyond fifteen days unless it is communicated to, and approved by, the Director before expiry of that period. The DoE is, of course, entitled to examine whether the school complied with the statutory safeguards on suspension and disciplinary action. Those questions must be addressed on the record. However, the

⁴ Pramod Kumar v. U.P. Secondary Education Services Commission, (2008) 7 SCC 153



impugned orders proceeds as though the dispute is exhausted by procedural lapses, without a determination on the eligibility issue that triggered the school's action. The authority seized of a request for approval for removal and related consequential directions cannot decide the matter on procedure alone if the record squarely raises a threshold question of eligibility that goes to the root of the appointment itself.

13. There is also a history of litigation between the parties, including a civil decree regulating Respondent No. 2's conduct vis-à-vis the school premises. That background may explain the texture of the dispute, but it cannot substitute for a determination on statutory eligibility and the legal consequences flowing from the UGC's communication.

14. For these reasons, the impugned order dated 19th February, 2019 is set aside. The matter is remanded to the Directorate of Education for fresh consideration. The Directorate shall pass a speaking order after addressing, in particular, (i) the effect of the UGC communication dated 10th August, 2016 on eligibility and continuation, (ii) the relevance, if any, of the subsequent B.Ed qualification claimed by Respondent No. 2, (iii) compliance with Section 8(4) of the Act and the applicable Rules governing suspension and major penalty.

SANJEEV NARULA, J

JANUARY 12, 2026/ng