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

+ **W.P.(C) 6611/2026 & CM APPL. 32510/2026**

ANIL KUMAR TIWARI

.....Petitioner

Through: Mr. Vineet Tayal, Mr. Nilesh deep
and Ms. Nishtha Wadhwa, Advocates
with Petitioner-in-person.

versus

AHLCON PUBLIC SCHOOL & ORS.

.....Respondents

Through: Mr. Ravi Sikri, Sr. Advocate with Mr.
Pulkit Tare, Mr. Dipanker Yadav and
Ms. Parul Madaan, Advocates for R-
1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **14.05.2026**

1. The Petitioner has been serving as a Lecturer (Sociology) with Respondent No. 1 School for nearly 25 years. The Respondents allege that on 10th April, 2026, during the course of a classroom interaction, the Petitioner made a remark referring to a student as 'Pakistani'. The Petitioner has categorically denied the said allegation. According to him, notwithstanding the allegation, he continued to discharge his duties till 27th April, 2026, when he was placed under suspension *vide* order of the same date, which reads as follows:

*"To,
Mr. Anil Kumar Tiwari
Lecturer/PGT (Sociology)
Ahlcon Public School
Subject: Suspension with immediate effect Pending Inquiry under*



Delhi School Education Act & Rules

Dear Mr. Anil Kumar Tiwari,

Whereas a verbal complaint was received on 10.04.2026 by a student's mother, followed by a written complaint dated 15.04.2026 by concerned student alleging that you, while conducting a class of Grade VIII, made derogatory, identity-based and inappropriate remarks, involving religion and nationality, towards a student, causing distress and humiliation to the student in the presence of her classmates;

And whereas, as an immediate administrative measure in the interest of student welfare, you were directed to:

- 1. Refrain from taking classes of Class VIII-C or any class where the concerned student is present;*
- 2. Refrain from interacting, directly or indirectly, with the concerned student;*
- 3. But continue to attend school and discharge other duties as assigned;*

And whereas the said directions were subsequently also giving vide written communication duly acknowledged by you on 20.04.2026, and clearly communicated to you as interim, precautionary and administrative in nature, pending consideration of the matter;

And whereas it has been subsequently brought on record through statements of the parent and staff members that, despite the aforesaid directions, you have continued to:

- a) Contact and approach the parent of the concerned student repeatedly;*
- b) Attempted to persuade withdrawal of the complaint;*
- c) Seek to meet the parent at their residence;*
- d) Communicate with members of staff, including the class teacher of the concerned student, with a view to influence the complainant and the ongoing process;*

And whereas such conduct, reported and recorded up to 27.04.2026, prima facie indicates disregard of the directions issued and raises serious concerns regarding potential interference with the disciplinary process;

And whereas the School Management Committee, upon consideration of the material on record, is of the view that your continued presence on duty is likely to:

- a) Prejudice or interfere with a fair and unbiased inquiry;*
- b) Influence or intimidate witnesses, directly or indirectly;*
- c) Undermine institutional discipline and the integrity of proceedings;*
- d) Adversely affect the well-being and sense of safety of students;*

Now, therefore, in exercise of powers under the provisions of the Delhi School Education Act & Rules, 1973, you are hereby placed under suspension with immediate effect, pending disciplinary proceedings.

Terms of Suspension

- 1. This suspension is purely interim and pending inquiry and shall not be*



construed as a finding on merits.

2. *You shall be entitled to subsistence allowance as per applicable rules.*
 3. *You shall not contact, directly or indirectly, the concerned student, parents, student witnesses, or any staff connected with the matter or otherwise to influence proceedings.*
 4. *You shall not leave station without prior written permission.*
 5. *You shall remain available for inquiry proceedings and attend as directed.*
 6. *Any violation of these conditions shall invite further disciplinary action.*
- This order is issued in the interest of ensuring a fair, uninfluenced inquiry and safeguarding student welfare and institutional discipline.*
By Order of the School Management Committee ”

2. Mr. Vineet Tayal, counsel for the Petitioner, submits that the incident in question allegedly occurred on 12th April, 2026, whereas the suspension order came to be issued only on 27th 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 warranting urgent action. It is submitted that the delay of over two weeks itself demonstrates the absence of any such immediacy. Consequently, it is argued that 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 present case to be one of “immediate suspension”, the second proviso to Section 8(4) of the Act mandates that such suspension cannot remain in force beyond a period of 15 days, unless 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 & 2, submits that the incident in question occurred on 10th April, 2026, during



which the Petitioner allegedly made a derogatory, identity-based and inappropriate remark involving religion and nationality towards a student by calling her 'Pakistani'. He further submits that despite interim directions restraining the Petitioner from interacting with the concerned student, allegations subsequently emerged that the Petitioner had attempted to contact the student's parent and influence the ongoing process, giving rise to concerns regarding interference with a fair inquiry and student welfare.

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 28th 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 Respondent school does 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 27th 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. 28th April, 2026 for all legal and financial purposes and shall be entitled to full salary from 27th April, 2026 onwards. However, considering the stand taken on behalf of the Respondents that they do not intend to avail of the Petitioner’s services, and

¹ 2016 SCC OnLine Del 3950

² 2003 (67) DRJ 419 (FB)



the Petitioner's willingness to report for duty, the Respondents shall consider and take a decision on the Petitioner's request to report for duty within a period of seven working days.

9. In the event the proposal submitted by the school on 28th April, 2026 is approved by the Director of Education, 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 28th 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

MAY 14, 2026/hc