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

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Date of Decision: 19.05.2026

+ **CONT.CAS(C) 912/2026**

ADITYA GUPTA

.....Petitioner

Through: Mr. Surinder Kumar Bhasin, Mr.
Sanjay Kumar, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Somesh Chandra Jha, Mr.
Animesh Rajoriya, Advs.
Mr. Sanjeev Sabharwal (SPC) along
with Ms. Shweta Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

CM APPL.34318/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CONT.CAS(C) 912/2026

3. The present petition has been filed by the petitioner alleging wilful disobedience of the directions contained in the order dated 18.03.2026 passed in W.P.(C) No. 18659/2025 read with the order dated 23.04.2026 passed by this Court in CONT.CAS (C) No. 710/2026.
4. The order dated 18.03.2026 in W.P.(C) No. 18659/2025 was passed in the context of the petitioner's resignation from Eklavya Model Residential School (EMRS), Indore on 19.11.2024.



5. The petitioner was appointed as PGT (Commerce) pursuant to a recruitment exercise conducted by the National Education Society for Tribal Students (NESTS).

6. The petitioner's resignation was ostensibly based on personal reasons. The resignation was initially accepted on 05.12.2024, however, the petitioner thereafter sought to rejoin the services.

7. The petitioner's representation in this regard was not acceded to and consequently, W.P.(C) No. 18659/2025 came to be filed by the petitioner. In the said petition, vide order dated 18.03.2026, this Court, after taking into account the relevant fact that the rejection of the petitioner's request for rejoining was based on a circular/clarification that had come into effect after the petitioner had sought to rejoin, directed as under:

9. In these circumstances, the Respondents could not have relied upon a subsequent clarification of the applicable guidelines which came to be issued after the order dated 25th July, 2025, directing consideration had already been passed. Thus, the Court is of the opinion that the Petitioner's case deserves to be remanded.

10. Accordingly, this petition is allowed to a limited extent by remanding the matter to the Respondents for reconsideration of the Petitioner's case in terms of order dated 25th July, 2025 passed in W.P.(C) 10835/2025, by applying the guidelines as they stood on the date of the said order.

11. Considering the fact that the recruitment process is presently ongoing, the Respondents are directed to take a decision on the Petitioner's case within a period of two weeks from today.

8. Subsequently, a speaking order came to be passed by the respondent no. 2 on 06.04.2026, however, the same again sought to place reliance upon



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the circular/clarification dated 25.09.2025, which was not to be taken into account in terms of the directions contained in the order dated 18.03.2026.

9. Being aggrieved thereby, the petitioner filed a contempt petition bearing CONT.CAS(C) 710/2026, wherein the following order dated 23.04.2026 came to be passed –

3. At the outset, learned counsel for the respondent no. 2 fairly submits that the order dated 06.04.2026, passed by the said respondent, shall be withdrawn, as it is evidently not in conformity with the directions contained in the order dated 18.03.2026, passed in W.P.(C) 18659/2025.

4. The said statement is taken on record.

5. It is further stated that a fresh order shall be issued by the respondent no. 2 within a period of one week from today, strictly in conformity with the directions contained in the said order dated 18.03.2026 passed in W.P.(C) 18659/2025.

6. In terms thereof, the case of the petitioner shall be considered for appointment as PGT (Commerce).

7. Let the fresh order that may be passed after proper consideration of the matter be supplied to the petitioner.

8. The petition is disposed of in the above terms.

10. Pursuant to the aforesaid directions, a speaking order dated 30.04.2026 has been passed by the respondents. The same, *inter alia*, reads as under:



EMRSs were established with the primary objective of imparting education to individuals belonging to Scheduled Tribe communities. The appointments and postings made pursuant to ESSE-2023 were carried out strictly to address the requirements prevailing at that time. Consequently, the departure of any appointed personnel results in administrative difficulties.

In the case of Mr. Gupta, who was appointed as PGT (Commerce), his responsibilities included teaching students of Classes 11 and 12. Mr. Gupta tendered his resignation abruptly, without assigning any cogent reason, in the midst of the academic session of the higher secondary classes. The resignation is silent as to any justification compelling such a request. His sudden absence had a serious impact on the academic progress of the students of the higher secondary classes, particularly those who were about to appear in the Class 12 Board Examination. This reflects a lackadaisical attitude on the part of the former employee, Mr. Gupta. Further, NESTS had to undertake additional measures to ensure that the academic requirements of the students were adequately addressed.

The resignation was thereafter followed by a request for re-joining. In his request, Mr. Gupta stated that the resignation had been tendered due to certain emergencies and unavoidable circumstances relating to his wife, who was in the last trimester of pregnancy, as well as his ailing parents. However, Mr. Gupta failed to clarify that the compelling circumstances relating to his ailing parents, which were allegedly existing at the time of resignation, no longer subsist; nor has he provided any specific



information regarding such ailments. This omission indicates that the request for re-joining is an afterthought and reflects a lack of seriousness in discharging the responsibilities attached to the post.

A teacher in a school is expected to keep the career and academic interests of the students foremost in mind before taking any action. However, in utter disregard to the effect of his conduct on the students, Mr. Gupta tendered his resignation abruptly, thereby jeopardizing their academic progress.

If such conduct of abruptly leaving the post without assigning any reason and subsequently seeking re-joining is permitted, it would seriously impact the academic progress of the students and would encourage similar actions in the future, driven merely by individual whims rather than institutional discipline. Therefore, it is not appropriate to accede to the request made by Mr. Gupta in the above-mentioned representation. Even otherwise, as mentioned above, the post earlier held by Mr. Gupta has already been filled.

In view of the above, the representation of Mr. Aditya Gupta, PGT (Commerce), is hereby rejected.

This issues with the approval of the competent authority.

11. It can be seen that the aforesaid Speaking order is predicated on the following:

- (i) No cogent reasons were supplied by the petitioner for his sudden resignation.
- (ii) The petitioner had not clarified the circumstances relating to his ailing parents that existed at the time of his resignation, nor had he stated whether the said circumstances continue to subsist.
- (iii) No specific information had been provided regarding such ailment.
- (iv) Further, a conclusion has been reached that the petitioner has displayed “lackadaisical attitude”.



12. It is the case of the petitioner that had any opportunity been given to the petitioner, all the relevant information would have been provided by the petitioner.

13. He further submits that the observations regarding the petitioner having a “lackadaisical attitude” are completely uncalled for. The petitioner takes strong objection to such stigmatic observation/s, without complying with the principles of natural justice.

14. *Prima facie*, it is evident that the speaking order is predicated on certain factual premises in respect of which no clarification was sought from the petitioner prior to the issuance of the said speaking order.

15. *Prima facie*, there is also merit in the contention of the petitioner that at least an opportunity of hearing ought to have been provided to the petitioner before passing the speaking order dated 30.04.2026. At the very least, minimum compliance with the principles of natural justice was warranted, especially considering the nature of the insinuation/s sought to be made against the petitioner in the impugned order.

16. In the circumstances, it does appear that the speaking order dated 30.04.2026 is not in consonance with the directions contained in the judgment/order dated 18.03.2026 passed in W.P.(C) No. 18659/2025. Compliance with procedural requirements and adherence to the principles of natural justice was implicit in the said directions. There has clearly been infraction thereof.

17. In the circumstances, the following directions are issued:

- (i) The concerned authority [Additional Commissioner (NESTS)], shall revisit/review the said order dated 30.04.2026 after giving an



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opportunity of hearing to the petitioner.

(ii) The petitioner's explanation/version shall be duly taken into account and a fresh/supplementary order shall be passed after considering the same. If so warranted, the Additional Commissioner shall be at liberty to withdraw the speaking order dated 30.04.2026 and permit the petitioner to rejoin.

(iii) The aforesaid exercise shall be completed expeditiously and in any event within a period of four weeks from today.

(iv) If the petitioner is aggrieved with the outcome of the aforesaid exercise, the petitioner shall be at liberty to avail appropriate legal remedies under law.

18. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

MAY 19, 2026/at/sv