



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Judgment Reserved on: 10.02.2026*
Judgment Delivered on: 29.05.2026

+ LPA 283/2022

KRITENDRA SHARMAAppellant

Versus

GOVT OF NCT OF DELHI AND OTHERSRespondents

AND

+ LPA 422/2022 & CM APPL. 30955-56/2022

DIRECTORATE OF EDUCATION AND ANRAppellants

Versus

CHAIRMAN ARYA GIRLS SENIOR SECONDARY
SCHOOLRespondent

Advocates who appeared in these cases

Mr. Anuj Dhir, Advocate for Appellant in LPA 283/2022 and R2 in LPA 422/2022

Ms. Latika Chaudhary, Advocate for GNCTD.

Mr. Ashish K. Dixit, CGSC with Mr. Umar Hashmi, Advocate for UoI.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA



JUDGMENT

TEJAS KARIA, J

1. These Letters Patent Appeals arise from the Judgment and Order dated 24.01.2022 (“**Impugned Judgment**”) passed in W.P.(C) No. 6257/2011 (“**Writ Petition**”), which had been instituted by the Chairman, Arya Girls Secondary School, New Delhi (“**School**”), arrayed as Respondent No. 3 in LPA No. 283/2022 and Respondent No. 1 in LPA No. 422/2022.
2. The Writ Petition was filed assailing the Order dated 13.05.2011 (“**Order**”) passed by the Delhi School Tribunal (“**Tribunal**”), whereby the Appeal preferred by Mr. Kritendra Sharma (“**Mr. Sharma**”), who is the Appellant in LPA No. 283/2022, against the dismissal order dated 12.02.1995 (“**Dismissal Order**”) issued by the School, was allowed in accordance with the Delhi School Education Rules, 1973 (“**DSER**”). By the Order, the Tribunal set aside the Dismissal Order and directed the reinstatement of Mr. Sharma, while leaving the issue of back-wages to be determined by the School within a period of three months.

FACTUAL MATRIX

3. The brief facts leading to filing of present Appeals are as under:
 - 3.1 Mr. Sharma was appointed to the post of Upper Division Clerk (“**UDC**”) on probation for a period of one year on 31.07.1993, pursuant to an advertisement issued for filling the said post and joined on 03.08.1993. The probationary period was extendable at the discretion of the Appointing Authority.
 - 3.2 The School directed Mr. Sharma to produce the originals of his Class 10 and Class 12 certificates as well as his graduation



degree; however, the said originals were not furnished. Thereafter, according to the School, Mr. Sharma remained absent from the School with effect from 12.01.1995 without obtaining permission from the Management. The School issued memorandum dated 16.01.1995 and 01.02.1995 calling upon him to resume duties and furnish the original certificates and degree. A telegram dated 24.01.1995 was also sent requiring him to report for duty no later than 27.01.1995.

- 3.3 As the School received complaints alleging cheating by Mr. Sharma, a letter dated 02.02.1995 was issued directing him to report for duty, failing which disciplinary action was to be initiated.
- 3.4 Mr. Sharma did not respond and/or furnish the documents sought by the School, and in view of the allegations of cheating, the Management Committee of the School, in its meeting held on 12.01.1995, resolved to extend his probation by a further period of one year.
- 3.5 The School decided to verify the authenticity of the documents furnished by Mr. Sharma in relation to his educational qualifications. Accordingly, the School requested Chaudhary Charan Singh University, Meerut to verify the genuineness of the graduation degree submitted by him. A separate communication was also addressed to the Principal, Bihari Lal Inter College, Dankaur, Bulandshahr, seeking verification of his school certificates.



- 3.6 *Vide* letter dated 31.01.1995, the Principal, Bihari Lal Inter College informed the School that Mr. Sharma's certificates and marksheet appeared doubtful and requested that the originals be forwarded for verification. Thereafter, *vide* letter dated 03.02.1995, the Deputy Registrar, Chaudhary Charan Singh University confirmed, upon verification from the confidential section records and charts of the University, that the B.Sc. degree (Parts I, II and III) forwarded by the School was forged.
- 3.7 The School issued a Show Cause Notice dated 04.02.1995 directing Mr. Sharma to produce the originals of all relevant documents and to submit his written defence, if any, failing which it would be presumed that he had no defence to offer. As no response was received, the Management Committee of the School, in its meeting held on 14.02.1995, resolved to dismiss Mr. Sharma from service. The dismissal order was passed on the same day and communicated to him by registered A.D. post.
- 3.8 The School also lodged a complaint against Mr. Sharma on 14.02.1995, pursuant to which First Information Report No. 47/1995 ("**FIR**") was registered at Police Station Karol Bagh under Sections 420/467/468/471 of the IPC, alleging cheating, forgery, and use of forged documents with intent to mislead the School. Mr. Sharma was arrested on 17.02.1995 and was subsequently released on bail.
- 3.9 Mr. Sharma preferred an appeal before the learned Tribunal, being Appeal No. 39/2003, assailing the Dismissal Order. *Vide* order dated 27.02.2009, the learned Tribunal dismissed the



appeal as barred by limitation. The said order was challenged by Mr. Sharma before this Court in W.P.(C) No. 12023/2009, and *vide* order dated 28.01.2010, this Court set aside the Tribunal's order dated 27.02.2009 and remanded the matter for fresh adjudication after affording the parties an opportunity of hearing in accordance with law.

- 3.10 *Vide* the subsequent order passed by the learned Tribunal, the Dismissal Order was set aside, the School was directed to reinstate Mr. Sharma, and the issue of back-wages was left to the Management Committee of the School for determination within a period of three months.
- 3.11 The said order was challenged by the School by way of the Writ Petition. At the time of issuance of the Dismissal Order, the School was an aided private 10+2 girls' school administered by its duly constituted Management Committee. Owing to mismanagement, the then Management was removed and the School was taken over by the Directorate of Education ("DoE") on 19.07.2017 during the pendency of the Writ Petition, which had been instituted by the erstwhile Management. Upon taking over the School, the DoE moved an application before the learned Single Judge seeking permission to prosecute the Writ Petition as petitioner in place of the erstwhile Management. The said application was allowed *vide* order dated 19.08.2019, and the DoE was permitted to represent the petitioner in the Writ Petition.



- 3.12 The learned Single Judge, *vide* the Impugned Judgment, dismissed the Writ Petition and modified the Tribunal's order by awarding compensation of ₹5,00,000/- to Mr. Sharma in lieu of reinstatement and back-wages, along with further compensation of ₹10,00,000/- on account of the mental agony and trauma suffered by him due to the dismissal, the stigma associated with incarceration, and the prolonged civil and criminal litigation spanning 26 years.
- 3.13 Aggrieved by the Impugned Judgment, Mr. Sharma and the DoE have preferred LPA No. 283/2022 and LPA No. 422/2022, respectively.

SUBMISSIONS ON BEHALF OF MR. SHARMA

4. The learned Counsel for Mr. Sharma submitted that:
- 4.1. The learned Single Judge was not justified in denying reinstatement once it had been held that the Dismissal Order was illegal and liable to be set aside. By denying reinstatement and back-wages and awarding compensation in lieu thereof, the learned Single Judge committed error both in law and on facts.
- 4.2. Since the Dismissal Order was held to be *per se* illegal and stigmatic in nature, the denial of reinstatement was violative of Article 14 of the Constitution of India. Inasmuch as Mr. Sharma's conduct stood vindicated before both the learned Tribunal and the learned Single Judge, he could not be deprived of the consequential benefits lawfully flowing from the setting aside of the Dismissal Order.



- 4.3. The learned Single Judge relied upon the decisions of ***Madhya Pradesh Administration v. Tribhuban***, (2007) 9 SCC 748, and ***Mehboob Deepak v. Nagar Panchayat, Gajraula***, (2008) 1 SCC 575, however, failed to consider the later decision of the Supreme Court in ***Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya***, (2013) 10 SCC 324, wherein it was held that, in cases of wrongful termination, reinstatement with continuity of service and back-wages is the normal rule. In the absence of any finding reflecting adversely on the conduct of Mr. Sharma to justify denial of reinstatement, the Impugned Judgment was liable to be set aside to that extent.
- 4.4. The learned Single Judge, having upheld the finding of the learned Tribunal that the School had acted in gross violation of the principles of natural justice, with the effect of victimising the employee, ought not to have interfered with the direction for payment of full back-wages.
- 4.5. The suffering occasioned by the impugned action was not confined to Mr. Sharma alone, but extended to his family as well, and that such deprivation could not be adequately compensated in monetary terms, as recognised in ***Deepali Gundu Surwase*** (supra). Reinstatement with full back-wages was therefore stated to be the only just and appropriate relief. It was also urged that such relief was necessary to restore Mr. Sharma's reputation and integrity, which had been unlawfully tarnished by the conduct of the School.



- 4.6. Mr. Sharma had been appointed as a UDC, a post of a secretarial nature not involving specialised technical skill, and, therefore, no prejudice would be caused in the discharge of his duties merely by reason of the lapse of approximately 26 years. Mr. Sharma was also entitled to pensionary benefits under the Old Pension Scheme, and that the denial of reinstatement under the Impugned Judgment effectively deprived him of a source of livelihood upon retirement.
- 4.7. Mr. Sharma had not crossed the age of superannuation and still had more than twelve years of service remaining. Accordingly, once the dismissal had been declared illegal and unjustified, reinstatement was stated to be the relief that ought to follow in the ordinary course.
- 4.8. The entire controversy arose because Mr. Sharma had married the niece of the Chairman of the School against his wishes. According to Mr. Sharma, it was for this reason that the FIR came to be lodged alleging fabrication of fake and forged educational certificates, although, in fact, the original certificates had been taken by the School authorities at the time of his recruitment as UDC and were in the custody of the Managing Committee of the School.
- 4.9. The Dismissal Order had been issued without holding any enquiry, despite containing allegations that Mr. Sharma's certificates / documents were fake and forged.
- 4.10. After issuance of the Dismissal Order, the School sought *ex post facto* approval from the DoE on 16.03.2025, which,



according to Mr. Sharma, was impermissible in law and contrary to the DSER.

- 4.11. Mr. Sharma received a copy of the Dismissal Order only in the year 2003, when his wife sought the same under the Right to Information Act, 2005. Thereafter, he approached the learned Tribunal by filing Appeal No. 39/2003, which came to be dismissed as barred by limitation *vide* order dated 27.02.2009. However, this Court, by order dated 28.01.2010 passed in W.P.(C) No. 12023/2009, remanded the appeal to the learned Tribunal for adjudication on merits, following which the Order dated 13.05.2011 was passed setting aside the Dismissal Order and directing reinstatement of Mr. Sharma in service, while leaving the issue of back-wages to be decided by the School. It was further pointed out that the DoE did not challenge the said Order of the learned Tribunal, whereas the School filed the Writ Petition. It was also submitted that, despite there being no approval of the DoE for extension of probation, the learned Single Judge nevertheless decided the issue of deemed confirmation against Mr. Sharma. At the same time, the Dismissal Order was held to be stigmatic and was also found to be bad in law for want of prior approval from the DoE, in terms of the decisions of this Court in ***Meena Oberoi v. Cambridge Foundation School***, 265 (2019) DLT 401, and ***Raj Kumar v. Directorate of Education***, (2016) 6 SCC 541.
- 4.12. Accordingly, the Impugned Judgment was liable to be set aside to the extent that it modified the Order of the learned Tribunal



by denying reinstatement, and that the School ought to be directed to reinstate Mr. Sharma to the post of UDC with all consequential benefits.

5. In view of the above, it is prayed that LPA No. 283/2022 be allowed and LPA No. 422/2022 be dismissed.

SUBMISSIONS ON BEHALF OF THE DoE

6. The learned Counsel appearing on behalf of DoE submitted that:
- 6.1. The learned Single Judge failed to appreciate that the appointment of Mr. Sharma was secured based on forged and fabricated documents and therefore it was void ab initio and he cannot claim protection under the provision of Delhi School Education Act, 1973 (“**DSE Act**”). It is the settled law that an appointment secured on the basis of forged certificates is no appointment in the eyes of law as the person cannot claim right to the post meant for a deserving candidate cannot be usurped by playing a fraud and producing false certificate.
- 6.2. The principles of natural justice were complied with by the School before dismissing Mr. Sharma from the services. Number of opportunities were given to Mr. Sharma to file his reply to several memos as well as the show cause notice which Mr. Sharma fail to avail.
- 6.3. The learned Single Judge erred in law while granting ₹10,00,000/- towards compensation on account of mental agony and trauma suffered by him since he obtained the employment on the basis of forged certificate and then chose not to respond



to the memos and the Show Cause Notice issued by the School calling upon him to submit his original certificates and to give response to the Show Cause Notice. The DoE is a State and public exchequer cannot be burdened with ₹15,00,000/- for no fault of DoE.

6.4. Even after the Dismissal Order was passed in the year 1995, Mr. Sharma chose not to challenge his Dismissal Order for a long period of eight years. The learned Single Judge failed to appreciate the fact that Mr. Sharma was sitting at home till 2003 without either challenging the Dismissal Order or making any representation against the same before DoE.

6.5. The learned Single Judge failed to appreciate that Mr. Sharma was on probation when he was removed from the services as he had worked for only two years and the appointment was obtained by him on the basis of forged certificates.

7. In view of the above, it was prayed that the Impugned Judgment be set aside by allowing LPA No. 422/2022 and dismissing LPA No. 283/2022.

ANALYSIS AND FINDINGS

8. We have heard the learned Counsel for the Parties and perused the material available on record.

9. The challenge to the Impugned Judgment in the present Appeals raises the following questions:

(i) Whether Mr. Sharma had obtained the employment with the School based on the forged and fabricated documents;



- (ii) Whether the Dismissal Order was passed without following principles of natural justice;
- (iii) Whether the extension of probation or Dismissal Order passed without prior approval of DoE were valid;
- (iv) Whether the compensation of ₹5,00,000/- in lieu of reinstatement and back-wages and ₹10,00,000/- on account of mental agony and trauma suffered by Mr. Sharma awarded *vide* Impugned Judgment by modifying the Order passed by the learned Tribunal was justified.

Allegation regarding forgery by Mr. Sharma

10. The only allegation levelled against Mr. Sharma was that he had secured employment on the basis of forged and fabricated educational certificates. Mr. Sharma, however, has consistently maintained that he did not commit any forgery and that all original certificates had been submitted to the School at the time of his appointment and remained in the custody of the Management Committee of the School.

11. It is further the case of Mr. Sharma that the controversy leading to his termination arose on account of his marriage to the niece of the Chairman of the School and only because of this reason, his services were terminated without the holding of any enquiry, on the allegation that the certificates/documents furnished by him were fake or forged.

12. Mr. Sharma has also placed reliance upon the judgment dated 19.09.2017 passed by the Court of the Metropolitan Magistrate-01 (Central), Tis Hazari Courts, Delhi ("**Trial Court**"), in the criminal proceedings arising out of the FIR lodged by the School. By the said judgment, the learned Trial Court held that no case had been established against Mr.



Sharma beyond reasonable doubt and, accordingly, acquitted him of the offences punishable under Sections 420, 468 and 471 of the IPC. The said judgment further records that the FIR was registered on the very day on which Mr. Sharma solemnised his marriage.

13. Mr. Sharma had contended before the learned Trial Court that he was a science graduate from Magadh University and that the allegedly forged documents pertained to Meerut University and had been fabricated by the Management of the School. During cross-examination before the learned Trial Court, the witness from Meerut University admitted that Mr. Sharma had never claimed the impugned documents to be his own, as he was, in fact, a graduate of Magadh University. In view thereof, the learned Trial Court concluded that the prosecution had failed to establish its case beyond reasonable doubt and acquitted Mr. Sharma.

14. Further, from the correspondence exchanged by the School, it appears that the documents forwarded to Chaudhary Charan Singh University, Meerut for verification, and which were subsequently reported to be forged, had been sent by the School itself. There is no material on record to indicate that the said documents had, in fact, been supplied by Mr. Sharma. On the contrary, the duplicate marksheet obtained from Magadh University clearly reflects that Mr. Sharma was a graduate of Magadh University and not of Meerut University.

15. In these circumstances, the allegation of the School that Mr. Sharma had secured employment on the basis of forged and fabricated documents does not appear to be substantiated. The learned Tribunal, in its Order, observed that the School had not conducted any departmental enquiry into the alleged misconduct of submission of false certificates and, on that basis,



concluded that the Dismissal Order was wholly illegal and contrary to the statutory provisions. The learned Single Judge has upheld the said finding.

16. Accordingly, we are of the view that the School has failed to establish that Mr. Sharma committed forgery by submitting fake certificates, as alleged in the Dismissal Order. We therefore hold that the Dismissal Order was passed without adherence to due process of law and in violation of the principles of natural justice.

Failure to follow principles of natural justice:

17. The Dismissal Order dated 14.02.1995 records that no reply had been received from Mr. Sharma to the Show Cause Notice dated 04.02.1995 issued by the School. The said Order further proceeds on the basis that the Show Cause Notice had been served at the last available address of Mr. Sharma and, on that premise, concludes that he had cheated the School authorities, warranting dismissal from service with immediate effect.

18. Mr. Sharma has contended that he never received the Show Cause Notice dated 04.02.1995.

19. The Dismissal Order proceeds on the allegation that Mr. Sharma had cheated the School authorities, yet no departmental enquiry was conducted, nor were any particulars furnished as to the manner in which such alleged cheating had been committed. The dismissal from service being one of the major penalties contemplated under Rule 117 of DESE. Rule 120 of DSER mandates that no such major penalty may be imposed except after holding a domestic enquiry in accordance with the procedure prescribed therein. The Dismissal Order was thus passed in clear departure from the procedure established under the DSER.



20. Accordingly, the learned Tribunal held the Dismissal Order to be wholly illegal and contrary to the provisions of the DSER. The learned Single Judge, in the Impugned Judgment, has affirmed the said conclusion.

21. The Dismissal Order being both punitive and stigmatic in nature, the School was under a clear obligation to hold an enquiry affording Mr. Sharma an opportunity to enter his defence and to lead evidence in support thereof. In any event, the School was required to establish the allegations levelled against him by adducing oral and documentary evidence in the course of a domestic enquiry, particularly to demonstrate that the documents alleged to be forged had in fact been furnished by Mr. Sharma. Instead, the entire disciplinary process was by-passed and a cryptic Dismissal Order came to be issued.

22. In view of the aforesaid, we are of the considered opinion that the Dismissal Order was passed in violation of the principles of natural justice and in contravention of the provisions of the Delhi School Education Act, 1973 and the DSER, inasmuch as no enquiry was held and no effective opportunity of hearing was afforded to Mr. Sharma.

Requirement to seek prior approval of DoE before extension of probation / Dismissal Order

23. Admittedly, Mr. Sharma was appointed on probation for a period of one year, which expired in August 1994. In the absence of any formal extension of probation by the School, and there being no prior approval obtained from the DoE as contemplated under the proviso to Rule 105(1) of the DSER, the consequence under Rule 105(2) of the DSER was deemed confirmation. Accordingly, the contention of the School that Mr. Sharma



continued to remain on probation at the time of issuance of the Dismissal Order is without merit.

24. Furthermore, in terms of Rule 120(2) of the DSER, the School was required to obtain prior approval of the DoE before imposing the penalty of dismissal. The learned Tribunal correctly found that the failure to obtain such prior approval constituted a grave illegality, particularly since the DSER does not contemplate the grant of *ex post facto* approval in cases involving the imposition of a major penalty such as termination. The Dismissal Order was, therefore, rightly held to be unsustainable in law and was consequently set aside.

25. The learned Single Judge has affirmed the finding of the learned Tribunal with respect to the mandatory requirement of prior approval from the DoE before termination.

26. We concur with the findings recorded in the Impugned Judgment, inasmuch as the provisions of the DSER are clear and the facts of the present case unequivocally demonstrate that the approval of the DoE was obtained only after issuance of the Dismissal Order, which was contrary to the mandatory scheme of the DSER requiring prior approval.

27. We, therefore, hold that the Dismissal Order was passed in contravention of the provisions of the DSER, and accordingly uphold the concurrent findings recorded by the learned Tribunal and the learned Single Judge for setting aside the Dismissal Order.

Modification of the Order by Impugned Judgment:

28. Both Mr. Sharma, in LPA No. 283/2022, and the DoE, in LPA No. 422/2022, have assailed the Impugned Judgment on the ground that the



learned Single Judge modified the Order passed by the learned Tribunal. In the Impugned Judgment, after upholding the setting aside of the Dismissal Order, the learned Single Judge held as follows:

*“46. Amongst the myriad nuances of this case, the next issue that arises for consideration is the relief that can be granted to Respondent No.2, once this Court has upheld the view of the Tribunal that the dismissal was wrongful in the eyes of law. Tribunal has granted the relief of reinstatement to Respondent No.2 and learned counsel for Respondent No.2 had strenuously urged that this part of the order be also upheld. Ordinarily, where termination of an employee is held to be wrongful and illegal, relief of reinstatement is granted by the Courts, with back-wages. However, it has been held by the Supreme Court in several judgments that reinstatement without back-wages or with full or part back-wages, is not an absolute rule of thumb and each case would have to be viewed on its own facts and circumstances. In **Madhya Pradesh Administration vs. Tribhuban**, (2007) 9 SCC 748, the Supreme Court held that reinstatement may not always be an automatic consequence of the Court declaring the termination to be illegal. In **Mehboob Deepak vs. Nagar Panchayat, Gajraula**, (2008) 1 SCC 575, the same principle was reiterated by the Supreme Court and certain factors were carved out for determining the relief in such cases, which are as follow:-*

“7. The Factors which are relevant for determining the same, inter alia, are:

- (i) whether in making the appointment, the statutory rules, if any, had been complied with;*
- (ii) the period he had worked;*
- (iii) whether there existed any vacancy; and*
- (iv) whether he obtained some other employment on the date of termination or passing of the award.”*

47. From the aforesaid judgments, it is crystal clear that while an employee should not be penalised for the illegal actions of an employer or even for the delay in the adjudicatory mechanism,



however, the Courts must take into account certain factors, both mitigating and aggravating, such as length of service, existence of vacancy and nature of employment, etc. while determining the relief of reinstatement. Applying the above principles and the exposition of law on the aspect of relief to Respondent No.2, looking at the length of period for which he had worked in the School, passage of over 26 years from the date of dismissal and that he was a probationer, in my considered view, reinstatement will not be an appropriate relief and to this extent, the order of the Tribunal cannot be upheld.

48. At the same time, this Court cannot shut its eyes to the fact that Respondent No.2 has been fighting for his rights for a long period of nearly three decades and that too, not by choice or as a luxury, but on account of the action of the School Authorities in dismissing him, without inquiry and additionally embroiling him in a criminal case. The chronology of dates and events shows that owing to the order of dismissal, which was approved by the Director of Education in 2003, Respondent No.2 filed an appeal before the Tribunal in the year 2003, which was dismissed as barred by time on 27.02.2009. The order was challenged before this Court in W.P.(C) 12023/2009 and the Court remanded the matter back to the Tribunal to hear the appeal, on merits. The Tribunal allowed the appeal on 13.05.2011, which was challenged by the School, by way of the present writ petition. Respondent No.2 has been contesting the writ petition since 2011. Additionally, Respondent No.2 was constrained to defend the criminal case, pursuant to an FIR registered at the behest of the School Authorities, in the year 1995. The Trial Court delivered its judgment on 19.09.2017. It is evident that Respondent No.2 has not only suffered the mental agony and trauma of dismissal from service for over 26 years, with the attending stigma, but has also undergone a phase of prolonged litigation, both civil and criminal. Relevant would it be to note that the civil litigation, impugning the dismissal order, resulted in an order by the Tribunal, in favour of Respondent No.2, which has been upheld by this Court, in the earlier part of this judgment. Insofar as the criminal case is concerned, as aforementioned, the Trial Court has acquitted Respondent No.2 and it bears repetition to state that the Court has held that the possibility of fabrication by the School Authorities cannot be ruled out. Therefore, the stand of Respondent No.2 that he was innocent and not guilty of forgery, cheating or fabrication, stands vindicated.



49. *Ex-consequenti*, compensation of Rs.5 Lakhs is granted in favour of Respondent No.2, in lieu of reinstatement and back-wages and the order of the Tribunal is accordingly modified. This Court is of the view that Respondent No.2 has been treated unfairly and has suffered mental agony and trauma, besides the social stigma attached to a dismissal order and incarceration pursuant to the FIR. He was forced into litigation by the wrongful acts of the School and contested the cases, both civil and criminal, for several years, incurring expenses. It would be a travesty of justice, if this Court, in an equity jurisdiction, does not compensate Respondent No.2, as the relief of compensation in lieu of reinstatement and back-wages is wholly inadequate, in the facts of the present case. Accordingly, it is directed that Petitioner shall pay a sum of Rs.10 Lakhs towards compensation to Respondent No.2, on account of mental agony and trauma suffered by him due to the penalty of dismissal, stigma attached to incarceration and prolonged litigation for over 26 years, both civil and criminal.

50. The compensation awarded by this Court, as aforementioned, shall be paid by the Petitioner to Respondent No.2, within a period of four weeks from today. In case, the amounts are not released by the Petitioner, within the time stipulated by the Court, the amounts shall carry simple interest at the rate of 8% p.a. till the actual payment.

51. Looking at the mental and physical suffering undergone by Respondent No.2 on account of the prolonged litigation, finding of the learned Trial Court in the criminal case, especially the possibility of false implication, it would be unfair to permit the Petitioner to hold an inquiry at this stage and subject Respondent No.2 to another protracted litigation. In this view of the matter, the direction of the Tribunal granting liberty to the School to proceed against Respondent No. 2, is set aside.

52. Writ petition is accordingly dismissed, modifying the impugned order of the Tribunal passed on 13.05.2011, as above. All pending applications are accordingly dismissed.”

29. The aforesaid observations and findings of the learned Single Judge are founded on the circumstances prevailing as on the date of the Impugned



Judgment, upon due consideration of factors such as the length of service, the existence of a vacancy, and the nature of employment while determining the appropriateness of reinstatement as a relief. The learned Single Judge took into account the fact that Mr. Sharma had served for only about two years during the period 1993–1995, as well as the lapse of more than 26 years from the date of dismissal and, accordingly, concluded that reinstatement would not constitute an appropriate relief. On that basis, the Order of the learned Tribunal directing reinstatement of Mr. Sharma was modified by awarding a lump sum compensation of ₹5,00,000/- in lieu of reinstatement and back-wages.

30. The learned Single Judge also awarded compensation of ₹10,00,000/- on account of the mental agony and trauma suffered by Mr. Sharma as a consequence of the penalty of dismissal, the attendant stigma, and the prolonged litigation spanning 26 years.

31. Mr. Sharma contended that the relief granted under the Impugned Judgment is contrary to law inasmuch as, once both the learned Tribunal and the learned Single Judge had held the Dismissal Order to be illegal and had set the same aside, the natural consequence was to direct reinstatement with full back-wages and all consequential benefits.

32. The DoE submitted that the direction to pay an aggregate compensation of ₹15,00,000/- is excessive and that the DoE, being a State instrumentality, ought not to be burdened with such liability in the absence of any fault attributable to it. It was urged that the public exchequer cannot be penalised for no act or omission on the part of the DoE.

33. Having considered the reasons recorded by the learned Single Judge for modifying the operative portion of the Order passed by the learned



Tribunal by substituting the relief of reinstatement and back-wages with a lump sum compensation of ₹15,00,000/-, we are of the view that more than thirty (30) years have elapsed since the dismissal of Mr. Sharma by the School. Mr. Sharma has alleged that his dismissal was occasioned by his marriage to the niece of the Chairman of the School, and it is also a matter of record that the School was thereafter taken over by the DoE in the year 2017. In these circumstances, the learned Single Judge moulded the relief granted by the learned Tribunal by substituting reinstatement with back-wages with lump sum monetary compensation in favour of Mr. Sharma. In our view, such modification is justified in the peculiar facts and circumstances of the present case.

34. The contention of Mr. Sharma that reinstatement was the only relief available upon the Dismissal Order being set aside cannot be accepted. The fact remains that Mr. Sharma approached the learned Tribunal only in the year 2003, although his services had been terminated in the year 1995. This delay assumes significance, particularly in light of his own case that the termination was connected with his marriage to the niece of the Chairman of the School and that an FIR had been lodged against him on the very same date, pursuant to which he was arrested and subsequently released on bail. In these circumstances, the plea that he became aware of the Dismissal Order only in the year 2003, when his wife sought the same under the RTI, does not inspire confidence. It is, therefore, evident that Mr. Sharma also contributed to the delay in seeking redressal against the Dismissal Order, having initiated the appellate proceedings only in 2003, which were first dismissed on limitation and, thereafter, remanded by this Court for adjudication on merits.



35. Further, the direction in the Order passed by the learned Tribunal to constitute the Management Committee of the School for determining the back-wages is no longer capable of implementation in view of the subsequent takeover of the School by the DoE. In these circumstances, it would be more appropriate for Mr. Sharma to receive a lump sum amount in lieu of reinstatement and back-wages. Additionally, reinstatement to the same post of UDC after a gap of nearly thirty (30) years would be impracticable for both Mr. Sharma and the School, particularly when there is no material on record indicating the nature of Mr. Sharma's engagement or employment during the intervening period.

36. The contention of the DoE that it cannot be directed to pay the sum of ₹15,00,000/- on the ground that no fault is attributable to it also cannot be accepted. Upon taking over the School, the DoE became liable for the acts and omissions of the erstwhile management of the School. In any event, the lump sum compensation awarded by the learned Single Judge under the Impugned Judgment is demonstrably more beneficial to the DoE than a direction for payment of the back-wages together with interest thereon. Accordingly, the DoE can have no valid grievance with respect to the direction to pay compensation with interest to Mr. Sharma, as contained in the Impugned Judgment.

CONCLUSION

37. In view of the foregoing analysis, we hold that the Impugned Judgment, insofar as it upholds the Order of the learned Tribunal setting aside the Dismissal Order and modifies the relief by awarding compensation of ₹15,00,000/- together with interest at the rate of 8% per annum until



actual payment, in lieu of reinstatement, back-wages, and on account of the mental agony and trauma suffered by the Appellant in LPA No. 283/2022, warrants no interference.

38. Accordingly, LPA No. 283/2022 and LPA No. 422/2022 are dismissed. All pending applications stand disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MAY 29, 2026

gsr / ap