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

+ **W.P.(C) 10946/2022**

TAJ MOHAMMED

.....Petitioner

Through: Mr. Sundeep Sehgal, Advocate with
Petitioner in person.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Yeeshu Jain ASC with Ms. Jyoti
Tyagi, Ms. Vishruti Pandey and
Mr. Sachin Garg, Advocates for R-1.
Mr. Pritish Sabharwal, SC for R-2, 3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **15.01.2026**

1. The Petitioner was appointed as PGT (English) with Anglo Arabic Senior Secondary School¹. According to the Respondent School, the Petitioner was involved in an act of misconduct arising out of a complaint made by a Pupil Teacher on 23rd December, 2016. Pursuant thereto, a Show Cause Notice was issued to the Petitioner, and he was placed under suspension with effect from 30th December, 2016. The suspension was stated to be in accordance with Section 8 of the Delhi School Education Act, 1973² read with Rule 115 of the Delhi School Education Rules, 1973³.
2. An inquiry was conducted under the provisions of the Sexual

¹ "Respondent School"

² "DSE Act"

³ "DSE Rules"



Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013⁴ by the Internal Sexual Harassment Committee of the Respondent School. The Committee submitted its report, wherein it was observed that the complainant did not wish to pursue the complaint any further.

3. In view thereof, an emergent meeting of the Managing Committee of the Respondent School, chaired by the Chairman and Chancellor, was convened on 17th March, 2017 to consider the inquiry report. During the said meeting, the complainant was interviewed by the lady members of the Committee to assess the incident, and girl students were also interviewed regarding the conduct of the Petitioner. Taking into account the request made by the parents of the complainant, the declaration and undertaking given by the Petitioner, and the recommendations contained in the inquiry report, the Managing Committee resolved to revoke the suspension of the Petitioner with immediate effect. Consequently, the Respondent School sought permission from the Directorate of Education⁵ for revocation of the suspension. However, the Competent Authority, i.e., the DoE, by communication dated 6th November, 2017, directed that the suspension of the Petitioner be continued till further review. Accordingly, the revocation resolved by the Managing Committee did not attain finality. The DoE further directed that a Disciplinary Action Committee⁶ be constituted under Rules 118 and 120 of the DSE Rules and that the proceedings be concluded in a time-bound manner.

4. In terms of the aforesaid directions, the DAC, in its first meeting,

⁴ “POSH Act”

⁵ “DoE”



considered the case of the Petitioner and observed that the complaint made by the Pupil Teacher alleging acts of misconduct and harassment could not be brushed aside merely on the ground that the complainant was not pursuing the matter further.

5. Thereafter, in its second meeting, the DAC considered the matter in continuation of the deliberations held in first meeting and noted:

“However, in the 1st meeting of the DAC dated 20.07.2018, the D.A.C had established the fact that even if the complainant has not turned up for further action against the erring employee or has submitted an undertaking to the effect that she does not wish to take any action against the erring employee but the complainant has not stated that the erring employee has not committed the misconduct and her complaint is false or motivated. Thus, the undertaking given by the complainant is of no use and the same does not absolve the misconduct demonstrated by the erring employee. The facts clearly prove and establish that the erring employee had committed the misconduct at the relevant time.

The DAC considered the above facts and unanimously recommended to seek the clarification(s) from Sh. Taj Mohammad in his two contradictory submissions dated 24.12.2016 & 10.01.2017 and also ask the reason for not filing complaint to the School Authority or to any competent Authority as per law against those intruders who had maintained pressure upon him. Further, it was also recommended by the DAC that since it has been established by the DAC in its 1st meeting dated 20.07.2018 that the erring employee had committed the misconduct at the relevant time, therefore, the matter, on the basis of the findings of the 1 & 2 DAC, may be considered by the Managing Committee of the school Further, meeting of the DAC will be convened after seeking clarification from Sh. Taj Mohammad and also after the due deliberation by the Managing Committee of the school as per Rule-117 of the DSEAR-1973.

The meeting ended with a vote of thanks to the CHAIR.”

6. In its third meeting, the DAC, on 27th May, 2022, considered the case of the Petitioner for revocation of suspension. The DAC noted that, in terms of the applicable rules, the final decision regarding reinstatement vested with the Managing Committee of the School, being the appointing authority. The

⁶ “DAC”



relevant discussion is as follows:

“The clarification of Sh. Taj Mohammad dated 21.01.2022 was read out in the 3 meeting of the DAC and the members were satisfied with the clarification. The D.A.C found that conciliation had arrived between Sh. Taj Mohammad and the complainant under section 10 of Sexual Harassment of Women at Workplace Act, 2013. The Sexual Harassment committee Report dated 24.12.2016 is also attached which reflects that. Mr. Taj Mohammad tendered his written apology to the victim which was accepted by the girl and her relatives. So, the members of the D.A.C. accepted the settlement and decided that Sh. Taj Mohammad may be reinstated. Therefore, the DAC, after due deliberation, unanimously recommended the matter to the Managing Committee of the school being the competent & appointing authority for taking the final decision on reinstatement of Sh. Taj Mohammad.”

7. The Petitioner thereafter made several representations to the DoE seeking permission to join duties at the Respondent School. In response to the aforesaid representations, the DoE addressed a communication dated 16th January, 2023 to the Respondent School:

*“To,
The Principal/Manager,
Anglo Arabic Sr. Sec. School
Ameri Gate,
Delhi - 110008
Sub: Representation of Sh. Taj Mohammad in respect of Permission to join the duty
Sir
This is with reference to the representation of Sh. Taj Mohammad, suspended Lecturer English, permission to join the duty in the School. (Copy enclosed) in his representation, he has stated that in the 3 meeting of the DAC, which was held on dated 27.05.22, it was unanimously recommended the matter by the DAC, to the Managing Committee of the School, being the competent and appointing authority for taking the final decision on reinstatement of Sh. Taj Mohammad
But, unfortunately till date no compliance of the above order was received by this office You are directed to constitute a meeting of the Managing Committee regarding reinstatement of Sh. Taj Mohammad, Lecturer (English) or allow him to join his duty with immediate effect subject to the resolution to the Managing Committee and approval from the competent authority Le Directorate of Education, Delhi.”*



8. A similar communication reiterating the aforesaid directions was also issued by the DoE on 11th September, 2023.

9. Pursuant to the aforesaid communications issued by the DoE and the representations made by the Petitioner, the matter was thereafter placed before the Managing Committee of the Respondent School. In its meeting dated 29th April, 2025, the Managing Committee considered the case of the Petitioner and took a decision to reinstate him. The Managing Committee recorded, *inter alia*, as follows:

"It is a matter of fact that in the meeting of the 3rd D.A.C held on 27.05.2022, the D.A.C after due deliberation, unanimously recommended the matter to the Managing Committee of the school being the competent & appointing authority for taking the final decision on the reinstatement of Sh. Taj Mohammad. Unfortunately, the Managing Committee due to the pending Criminal Cases in the Court of Law against Sh. Taj Mohammad which were registered while in suspension period did not grant approval for his reinstatement in the school as Lecturer English. Therefore, Sh. Taj Mohammad moved a writ petition in the Court of Law for his joining in the school which is still pending in the Court of Law.

Moreover, the competent authorities of the Directorate of Education, Delhi have several times directed the school authorities to consider the joining of Sh. Taj Mohammad as criminal cases are subjudice and he is drawing 50% subsistence allowance on monthly basis without any work.

The Committee considered the matter in detail. The Hon'ble Chairman was of the opinion that since, in the case of Sh. Taj Mohammad, the Criminal Cases are still pending in the court of law and Sh. Taj Mohammad is on bail in all criminal cases, he should be granted permission to join as per rule subject to the approval of the Competent Authority of the Directorate of Education, Delhi and also an "Undertaking" should be taken from Sh. Taj Mohammad, Lecturer English to maintain the dignity of a teacher in future and the decorum of the historic institution. Further, Sh. Taj Mohammad should withdraw all Court cases against the School Authorities.

The Hon'ble Chairman, Managing Committee further stated that as far as the matter of further disciplinary action is concerned, it is a subject matter of the final outcome of the judgment(s) of the Hon'ble Courts in all his pending Criminal Cases.

Therefore, having considered the facts of the case and shortage of teachers in the school, the committee agreed upon the decision of the Hon'ble Chairman and recommended to grant permission to join duty in the school



as Lecturer English subject to approval of the competent authority of the Directorate of Education, Delhi and submission of an undertaking with regard to his good conduct and maintain ethical values of a teacher and the institution.”

10. In light of the aforesaid developments, it transpires that the Petitioner has been permitted to resume duties with effect from 6th June, 2025. The Respondent School has also sought formal approval from the Competent Authority, which is presently pending consideration.

11. In the above background, the grievance of the Petitioner is now confined only to the non-payment of subsistence allowance for the period from October 2018 till 6th June, 2025. In this regard, the Counter-Affidavit filed by the Respondent School states as under:

“16. It is humbly submitted that the petitioner was regularly obtaining subsistence allowance @50% from the month of January 2017 to May 2017 and thereafter @ 75% as per the resolution of the Managing Committee dated 02.04.2018 from June 2018- September 2018. It is further submitted that the subsistence allowance could not be paid from October 2018 in the absence of the further disciplinary action against petitioner OTA by the constituted D.A.C in terms of Rule 118 & 120 by the D.D.E. Zone-XXVII, District Central. It is further submitted that the petitioner made various representations for release of subsistence allowance to the school and concerned authority. The Respondent School based on the representations for release of subsistence allowance & 75% amounting to an amount of Rs. 22,29,585/- prepared and forwarded to GLA Claim papers to Competent Authority of the Accounts Office, District Central on 08.04.2021.”

12. The aforesaid calculation of subsistence allowance amounting to INR 22,29,585/- pertains to the period up to 8th April, 2021. It is, however, a common stand of both the Petitioner and the Respondent School that subsistence allowance is payable till the date of revocation of suspension.

13. The only difficulty expressed by Standing Counsel for Respondent Nos. 2 and 3 is with respect to the release of funds as well as grant of approval by the Competent Authority, i.e., the DoE.



14. In view of the aforesaid facts and circumstances, the present petition is disposed of with a direction to the DoE to accord approval to the decision taken in the meeting of the Managing Committee dated 29th April, 2025, intimated to the DoE under covering letter No. AASSS/069/2025 dated 26th June, 2025, and also release the funds as requested by the school, in accordance with law. Upon such approval being accorded, the amounts due to the Petitioner shall be calculated and released within a period of six weeks from such approval, in accordance with Rule 116(1) of the DSE Rules, 1973.

15. From the date of revocation of suspension and reinstatement, the Petitioner shall be paid full salary in terms of the applicable rules, subject to approval of the DoE.

16. Needless to state, any information sought by the DoE shall be furnished forthwith by the Respondent School.

17. With the above directions, the petition is disposed of along with all pending application(s).

SANJEEV NARULA, J

JANUARY 15, 2026

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