



\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12/2020**

SUJATA MEHTA (TGT)

.....Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh & Mr. Manoj Kumar,
Advocates.

versus

**ARWACHIN BHARTI BHAWAN SENIOR SECONDARY
SCHOOL THROUGH ITS MANANGER & ANR**

.....Respondents

Through: Mr. Kamal Gupta, Mrs. Tripti Gupta,
Mr. Sparsh Aggarwal & Mr.
Siddharth Arora, Advocates for
Respondent (school).

Mrs. Avnish Ahlawat, SC, GNCTD
with Mr. N. K. Singh, Ms. Aliza
Alam & Mr. Mohnish Sehrawat,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

28.01.2026

1. This writ petition seeks a direction to Arwachin Bharti Bhawan Senior Secondary School/Respondent No. 1 to implement the recommendations of the 7th Central Pay Commission¹ and revise the Petitioner's pay scale with effect from 1st January, 2016. The Petitioner further seeks payment of arrears of salary computed in terms of the 7th CPC as well as consequential revision and payment of gratuity and leave encashment at the enhanced rates.

2. The Petitioner, Late Mrs. Sujata Mehta, was employed as a Trained Graduate Teacher with the Respondent school with effect from 17th July,

¹ "CPC"



1984 and superannuated on 30th November, 2019. The Petitioner expired on 26th December, 2021, whereafter her legal representatives were brought on record by order dated 30th April, 2024, who are pursuing the case on her behalf. They contend that the Respondent School unlawfully denied the Petitioner the benefit of the 7th CPC with effect from 1st January, 2016. The grievance raised is that notwithstanding the coming into force of the recommendations of the 7th CPC, the Respondent School continued to pay her salary in accordance with the 6th CPC. It is contended that such action is in violation of Section 10 of the Delhi School Education Act, 1973.² Reliance is placed on the judgment of this Court in **Lakshmi Sethi v. Darbari Lal DAV Model School**.³

3. On the other hand, Mr. Kamal Gupta, appearing for the Respondent School, disputes the Petitioner's entitlement. He submits that the implementation of the 7th CPC has resulted in a substantial escalation of the School's financial liabilities, particularly on account of increased salary expenditure. In order to meet these enhanced liabilities, the School sought permission to revise its fee structure; however, the Directorate of Education⁴ interdicted the proposed fee hike. It is contended that, in these circumstances, the statutory obligation under Section 10 of the DSE Act cannot be enforced unless and until the School is permitted to revise its fee structure under Section 17 of the Act. In support of this submission, reliance is placed on the orders of the Supreme Court in **Greenfields Public School v. Anchla**⁵ and this Court in **Darbari Lal DAV Model School v. Lakshmi**

² "DSE Act"

³ W.P.(C) 12419/2021, decided on 24th December, 2024.

⁴ "DoE"

⁵ SLP(C) Diary No. 48722/2023.



Sethi,⁶ to contend that the financial capacity of the School and approval for fee enhancement are relevant considerations.

4. Respondent No. 2/DoE supports the Petitioner's claim and submits that in terms of Section 10 of the DSE Act, the benefit of the 7th CPC is mandatorily applicable to employees of recognized private aided and unaided schools. Accordingly, it is contended that the Respondent school is obliged to extend the said benefits to the Petitioner and release the consequential monetary dues.

5. The Court has considered the aforementioned submissions and finds no merit in the objection raised by the Respondent school. Section 10 of the DSE Act mandates that the scales of pay and allowances, medical facilities, pension, gratuity, provident fund, and other prescribed benefits of employees of recognized private schools shall not be less than those applicable to employees of corresponding status in schools run by the Central Government, State Government, or local authorities. The statutory obligation under Section 10 is unequivocal and does not admit of dilution on grounds of financial inconvenience or paucity of funds. In fact, this Court has consistently held that financial constraints or paucity of funds cannot be a valid ground to dilute compliance with Section 10.⁷

6. The Respondent school has sought to predicate its defence on an interdependence between revision of pay under Section 10 and revision of fees under Section 17 of the DSE Act, contending that fees constitute the sole source of revenue. This contention is misconceived. While the statutory framework requires schools to file statements of proposed fees with the DoE

⁶ LPA 240/2025.

⁷ Kuttamparampath Sudha Nair v. Managing Committee Sri Sathya Sai Vidya Vihar, W.P.(C) 928/2019 decided on 6th May, 2021, Omita Mago and Others v. Ahlcon Public School and Another, 2022 SCC



and restricts unilateral enhancement of fees without approval, this Court has repeatedly clarified that the obligation to pay salaries in accordance with Section 10 operates independently and cannot be made contingent upon approval for fee enhancement. There is no statutory linkage, correlation, or mutual dependence between revision of pay scales and approval of fee enhancement.⁸ Compliance with Section 10, therefore, cannot be deferred or avoided on the pretext that permission for fee revision under Section 17 has not been granted.

7. In light of the foregoing, the objections raised by the Respondent school are rejected. The Petitioner is entitled to the pay scale as per the recommendations of the 7th CPC with effect from 1st January, 2016. The Respondent school is accordingly directed to compute the arrears payable to Late Mrs. Sujata Mehta on this basis and to release the consequential benefits, including revised gratuity and leave encashment, to her legal representatives.

8. The aforesaid exercise be completed and the amounts released within a period of two months from today. In the event of default, the arrears shall carry interest at the rate of 6% per annum from the date they became due till the date of actual payment.

9. With the above directions, the petition is disposed of.

SANJEEV NARULA, J

JANUARY 28, 2026/hc

OnLine Del 5020.

⁸ Ahlcon Public School v. Omita Mago, 2023 SCC OnLine Del 368; Lakshmi Sethi v. Darbari Lal DAV Model School, W.P.(C) 12419/2021, decided on 24th December, 2024.