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

+ **CONT.CAS(C) 256/2024 & CM APPL. 8826-8827/2024**

SUMINA GUPTA

.....Petitioner

Through: Mr. Khagesh B. Jha, Ms. Shikha
Sharma Bagga, Ms. Khushi Sachdeva,
Advocates.

versus

MR. RISHABH GUPTA AND ORS

.....Respondents

Through: Mr. Yeeshu Jain ASC with Ms. Jyoti
Tyagi, Ms. Vishruti Pandey and Mr.
Sachin Garg, Advocates for DOE.
Mrs. Anjana Mishra, Senior Advocate
with Mr. Vedanta Varma, Mr.
Shubhankar Choudhary, Ms. Anjali
Krishnan, Advocates for R-1 & 2.

+ **W.P.(C) 5371/2022, CM APPL. 16076/2022, CM APPL. 19092/2022,
CM APPL. 3072/2024 & CM APPL. 9024/2024**

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.....Petitioners

Through: Mr. Khagesh B. Jha, Ms. Shikha
Sharma Bagga, Ms. Khushi Sachdeva,
Advocates.

versus

RICHMONDD GLOBAL SCHOOL AND ORSRespondents

Through: Mr. Yeeshu Jain ASC with Ms. Jyoti
Tyagi, Ms. Vishruti Pandey and Mr.
Sachin Garg, Advocates for DOE.
Mrs. Anjana Mishra, Senior Advocate
with Mr. Vedanta Varma, Mr.
Shubhankar Choudhary, Ms. Anjali
Krishnan, Advocates for R-1 & 2.



+ CONT.CAS(C) 1585/2024 & CM APPL. 58557/2024

SUMINA GUPTA

.....Petitioner

Through: Mr. Khagesh B. Jha, Ms. Shikha Sharma Bagga, Ms. Khushi Sachdeva, Advocates.

versus

MS.NIDHI GUPTA AND ORS

.....Respondents

Through: Mr. Yeeshu Jain ASC with Ms. Jyoti Tyagi, Ms. Vishruti Pandey and Mr. Sachin Garg, Advocates for DOE.
Mrs. Anjana Mishra, Senior Advocate with Mr. Vedanta Varma, Mr. Shubhankar Choudhary, Ms. Anjali Krishnan, Advocates for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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02.02.2026

W.P.(C) 5371/2022

1. This petition was instituted at a time when the Petitioner was in the employment of the Respondent School, seeking directions for disbursement of her arrears of salary along with interest. Apprehending that she may be removed from service without due process of law, the Petitioner also sought a protective direction restraining the Respondents from taking any such action.
2. Additionally, the Petitioner also sought a direction to the school to start disbursing her salary as per the 7th CPC and to deposit the employer's



contribution towards her EPF account from the date of her appointment.

3. In the instant petition, by an interim order dated 31st March, 2022, this Court directed that, till the next date of hearing, no coercive action shall be taken against the Petitioner during the pendency of the present proceedings.

4. However, as it turns out, the school remove the Petitioner from service on 05th January, 2024. The Petitioner alleged that the aforementioned action amounts to a contempt of the order of the Court which specifically directed that no coercive action shall be taken against the Petitioner.

5. Be that as it may, during the course of hearing, counsel for the Petitioner, on instructions, states that at this stage the Petitioner does not seek reinstatement in service and is willing to give up her claim to that extent, provided that the Respondents clear all arrears of salary payable to her up to the date of her removal, i.e., 05th January, 2024.

6. Counsel for the Respondent School is agreeable, however she submits that a substantial portion of the dues has already been paid and that certainly the Petitioner is not entitled to salary in terms of the 7th Central Pay Commission

7. On the issue of entitlement to 7th CPC, it is noted that as per the letter of appointment, the Petitioner was appointed on a monthly salary of INR 9,300/- in the pay scale of INR 9,300–34,800 with grade pay of INR 4,200/-, along with allowances as prescribed by the State/Central Government from time to time.

8. In view of the above and considering Section 10 of the Delhi School Education Act, 1973, which, in unequivocal terms, mandates parity of pay and service benefits between employees of recognised private schools and their counterparts in government schools, and the settled position reiterated



by this Court,¹ the Petitioner is entitled to the benefit of the 7th Central Pay Commission. The Respondents' contention to the contrary is rejected.

9. In light of the foregoing, as regards the dues, it is agreed that upon furnishing of the calculations by the Petitioner, the DoE can verify such claims.

10. In light of the above, the present petition is disposed of with the following directions:

(a) Counsel for the Petitioner's statement for giving up her claim for reinstatement is taken on record.

(b) The Petitioner shall submit her computation of the amounts claimed to be outstanding to the DoE.

(c) The Respondent School shall be at liberty to submit its response and computation to the DoE, wherein they shall thereafter determine the amounts payable to the Petitioner in terms of the appointment letter and in accordance with the applicable provisions of the 7th CPC, having regard to Section 10 of the Delhi School Education Act, 1973.

(d) The Respondent School shall disburse the arrears of the Petitioner's salary, along with the employer's contribution towards EPF, computed in accordance with the 7th CPC, up to the date of her removal from service as verified by DoE.

(e) The Respondent School shall issue an experience certificate to the Petitioner for the period during which she was in service.

11. In the event the amounts so determined are not paid, the Petitioner shall be at liberty to avail appropriate remedies in accordance with law.

¹ *Bharat Mata Saraswati Bal Mandir Senior Secondary v. Vinita Singh & Ors.* 2023 SCC OnLine Del 3934; *Shikha Sharma & Ors. v. Guru Harikrishnan Public School & Ors.* 2021 SCC OnLine Del 5011.



12. With the above directions, the present petition as well as CONT.CAS(C) 256/2024 and CONT.CAS(C) 1585/2024 are disposed of, along with pending applications, if any.

SANJEEV NARULA, J

FEBRUARY 2, 2026/ab