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

+ **W.P.(C) 17445/2025 & CM APPLs. 72036-72037/2025**

DHIRENDER SINGH

.....Petitioner

Through: Mr. D.K. Chaubey and Mr. Ajitabha
Pandey, Advocates.

versus

**DIRECTOR OF EDUCATION GOVT. OF NCT OF DELHI AND
ORS**

.....Respondents

Through: *None.*

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

11.03.2026

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1. The Petitioner, who was serving as a Physical Education Teacher in Respondent No. 2 school, assails the order dated 22nd April, 2025 passed by the Delhi School Tribunal in Appeal No. 79/2016, whereby the Tribunal affirmed the penalty order dated 24th August, 2016 directing his compulsory retirement from service.

2. The controversy traces back to two written complaints made by Ms. X¹, a temporary teacher with Respondent No. 2 school, on 24th April, 2015. The first complaint referred to an incident said to have taken place on the night of 22nd April, 2015 at the wedding of Ms. Y, ² a former employee. It alleged that, while returning from the bride's room, the complainant and the Petitioner came down a dark staircase where the Petitioner tried to assault her. The second complaint shifted the setting to the school itself and alleged

¹ Name redacted for confidentiality purposes.

² Name redacted for confidentiality purposes.



that on 23rd April, 2015 and again on 24th April, 2015, the Petitioner stared at her, made indecent gestures, and sought to call her towards him within the school premises. The translated copies on record carry a few obvious errors in the mention of the year. That, however, does not obscure the factual position that both complaints relate to events of April, 2015.

3. The complaints triggered an immediate institutional response. The School Managing Committee met on 25th April, 2015, noted the allegations relating both to the wedding and to the events said to have followed within the school, resolved to place the Petitioner under suspension, and authorised further action. On the same day, the school addressed the Education Officer seeking approval of the suspension under Section 8(4) of the Delhi School Education Act, 1973. The approval was later conveyed.

4. The matter then moved before the ICC. The Committee comprised of the Presiding Officer, members drawn from the school, an “NGO Activist”, and a “Legal Expert”. The first meeting was held on 4th June, 2015. The daily order sheet as well as the report record that the Petitioner appeared, was informed of the procedure to be followed, received the statement of allegations together with the supporting documents and list of witnesses, and had the allegations explained to him in Hindi at his request. He then sought ten to fifteen days’ time to submit his reply and was also called upon to furnish his list of documents and defence witnesses by 23rd June, 2015.

5. Before the expiry of that period, the Petitioner moved a representation dated 22nd June, 2015 seeking further time until 7th July, 2015. That request was declined on 24th June, 2015, and he was directed to appear before the Committee on 26th June, 2015. On that date, six witnesses were examined. The ICC report records that the Petitioner cross-examined some of them,



chose not to put questions to others, produced no defence document or witness, and declined to enter the witness box himself. Subsequently, the Committee returned a finding against him.

6. Thereafter, the Disciplinary Action Committee forwarded the ICC report to the Petitioner along with the tentative proposal of removal from service. He submitted a detailed representation. The final order dated 24th August, 2016 records that the representation was considered, that the findings of the ICC were accepted, and that, instead of removal, the penalty of compulsory retirement was imposed. The Tribunal, by the impugned order dated 22nd April, 2025, upheld that penalty.

Contentions

7. The Petitioner challenges the proceedings on several fronts. It is urged that the incident of 22nd April, 2015 took place outside the school premises and, therefore, outside the reach of the 2013 Act. He also contends that the complainant was working in an unrecognised nursery or pre-school wing of the institution and that the statutory regime was therefore inapplicable. The two complaints are mutually inconsistent, that the complainant herself gave shifting versions before the ICC and the trial court, that her father and sister gave differing accounts on when she first disclosed the incident, that the only independent witness identified by him as material, namely Hanuman, did not support the allegation of molestation, and that the FIR was lodged belatedly after about seventy-five days. The entire case was engineered by Mr. S.P. Sethi in collusion with the complainant in order to remove him from service.

8. The Petitioner also contends that the ICC was illegally constituted. The Presiding Officer was junior to him, and the Committee functioned



under the influence of the school management. He also challenges the suspension on the ground that the Department of Education nominees were not present in the meeting of 25th April, 2015. The inquiry was concluded with undue haste, that all witnesses were recorded on a single day, that the proceedings were in English, that he did not understand them, that his signatures were obtained without explanation, and that he was never afforded defence assistance. It is also urged that the Disciplinary Action Committee acted mechanically and that the Tribunal failed to engage with these defects.

9. The Respondents contend that the Petitioner was deputed by the school to attend Ms. Y's wedding and hand over the *shagun* on behalf of the staff. They maintain that the venue was therefore a place visited by him in the course of his employment and fell within the statutory definition of "workplace". They further say that the Petitioner was supplied the allegations, documents, and witness list; the procedure was explained to him in Hindi; he was granted sufficient opportunity to respond; he cross-examined some witnesses but chose not to cross-examine others, and that he led no defence evidence. They also rely on the prior civil proceedings in which interim relief against the ICC process was declined.

Analysis

10. The limits of judicial review in such matters are well settled. This Court does not sit as a court of appeal over domestic or departmental findings. It does not reappreciate evidence merely because another view may also be possible. Interference is confined to cases of jurisdictional error, breach of mandatory procedure causing prejudice, denial of natural justice, findings based on no evidence, or conclusions so perverse that no reasonable



authority could have arrived at them. Equally, interference with the punishment is reserved for cases where the penalty is shockingly disproportionate.³

11. The first objection proceeds on the footing that the incident of 22nd April, 2015 occurred at a private wedding venue and therefore lay outside the reach of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. That submission cannot be accepted. The statute does not confine the idea of a ‘workplace’ to the four walls of the establishment. Section 2(o) of the 2013 Act adopts a deliberately wider definition. In particular, clause (v) of that provision includes within the expression “workplace” any place visited by the employee arising out of or during the course of employment. It thus includes, apart from the institution itself, places visited by an employee in connection with employment. In the present case, the record consistently proceeds on the basis that the Petitioner had attended Ms. Y’s wedding not in a purely personal capacity, but as the school’s representative for handing over the *shagun* on behalf of the staff. The ICC report says so. The disciplinary order proceeds on the same footing. Even before the Tribunal, the case was not that the Petitioner had gone there on some wholly private errand disconnected from the school. Once that factual position is clear, the venue of the wedding cannot be treated as a space divorced from employment merely because it was not situated within the school campus. The objection founded on lack of territorial or statutory nexus must, therefore, fail.

12. The allied contention that the complainant was working in an unrecognised nursery or pre-school wing does not improve the Petitioner’s

³ *UOI & Ors. v. P. Gunashekar* (2015) 2 SCC 610.



case. The protection of the 2013 Act is not conditioned upon the technical status of the department or wing in which the aggrieved woman worked. The statute extends to a woman ‘whether employed or not’, provided the complaint concerns sexual harassment at the workplace. The emphasis, therefore, is on the circumstances in which the conduct occurred and its connection with the employment environment, not on a narrow regulatory classification of one segment of the institution. Here, the material on record shows that Ms. X was working within the same campus, that one part of the complaint related to a function attended in connection with school duties, and that the later allegations concerned conduct within the school itself. That is more than sufficient to attract the statutory regime

13. The challenge to the constitution of the ICC also does not merit acceptance. Section 4 of the 2013 Act requires that the Presiding Officer be a woman employed at a senior level at the workplace. It does not require that she should be senior in rank to the delinquent employee.⁴ The Petitioner’s objection that the Presiding Officer was junior to him, therefore, rests on a premise which the statute itself does not support.

14. The challenge to the meeting held on 25th April, 2015 is also devoid of merit. It is true that the minutes disclose the absence of the nominees of the Department of Education and the Advisory Board. It is also true that certain expressions in the minutes, even at the stage of suspension, carry a tenor suggestive of pre-judgment. That part of the record is far from satisfactory. Even so, the matter cannot be examined in isolation or removed from what followed. The suspension was thereafter placed before the

⁴ See also: *Dr. Shyam Bihari v. Nuclear Power Corporation of India Ltd. & Anr* 2025: BHC-AS:44627-DB; *Smt. Shobha Goswami v/s. State of U. P. and Ors.* WRIT-A No.-31659 of 2015 decided on 27th May,



competent authority for approval, as required by statute, and such approval was granted. More importantly, the final action against the Petitioner did not rest upon that meeting alone. The substantive inquiry was later undertaken by the ICC, and the penalty came to be imposed only thereafter. In that view, neither the imperfect attendance at the meeting nor the infelicitous language employed in the resolution is sufficient, by itself, to render the ultimate disciplinary action invalid.

15. The ground of denial of fair hearing also fails on a close reading of the record. The daily order sheet dated 4th June, 2015 records that the Petitioner appeared before the Committee, that the statement of allegations, supporting documents, and list of witnesses were furnished to him, and that the allegations were explained to him in Hindi. He then sought ten to fifteen days' time to submit his reply, and time was granted until 23rd June, 2015. He was also required to submit his list of defence documents and witnesses, but did not do so. When the matter was taken up on 26th June, 2015, six witnesses were examined. The ICC report records that the Petitioner cross-examined some of them, chose not to put questions to others, produced no document in defence, examined no defence witness, and declined to step into the witness box himself. In the face of this contemporaneous record, it is difficult to accept the submission that the inquiry was held behind his back or that he was denied an opportunity to defend himself. The grievance, at its highest, is not absence of opportunity, but at the manner in which that opportunity was utilised.

16. It is true that the proceedings moved with considerable speed and that the request for time by the Petitioner was declined. However, the mere fact

2015.



that the inquiry progressed quickly does not by itself establish illegality. As noted above, the Petitioner had notice of the allegations and an opportunity to participate in the proceedings. What is lacking is demonstration of any real prejudice, beyond assertion. In the absence of such prejudice, the Court would be travelling beyond the limits of judicial review were it to set aside the entire process merely because the inquiry could have been conducted more leisurely.

17. The plea that the Petitioner did not understand English and that his signatures were fraudulently obtained also does not inspire confidence on the present record. The Tribunal has noticed the Respondents' stand that the Petitioner had been consulting counsel, that his applications to the ICC and his civil proceedings were in English, and that he participated in the inquiry without contemporaneous objection of the kind now urged. Moreover, the primary document of 4th June, 2015 itself records that the allegations were explained to him in Hindi. In these circumstances, the later contention of misunderstanding cannot be accepted as a ground for quashing the proceedings.

18. The Court now turns to the challenge to the evidence, which forms the central plank of the Petitioner's challenge. The record, it must be said, is not without its unevenness. The first complaint conveys that the complainant had narrated the incident only to Mr. Sethi. The sister's account, however, places the disclosure to her on 23rd April, 2015 and to the father thereafter. The father's statement before the criminal court suggests a different sequence, namely that the daughter informed him on 24th April, 2015 after the complaint had already been lodged. Hanuman, cited as a witness to the events at the wedding, did not support the allegation of molestation on the



staircase and stated only that the complainant was standing there and that he knew nothing further. Added to this is the fact that the FIR was lodged later, on 6th July, 2015. These are discrepancies in the evidentiary narrative.

19. Even so, inconsistency is not necessarily fatal. The question is whether the variations noticed in the record are of such a nature as to destroy the substance of the accusation, or whether they leave intact a core narrative capable of sustaining the finding. On the present record, the latter appears to be the position. Across the contemporaneous complaints and the complainant's deposition before the ICC, the gravamen of the allegation remained materially unchanged: that on the night of 22nd April, 2015, the Petitioner made an unwelcome physical advance towards the complainant on the dimly lit staircase, and that this was followed by indecent gestures within the school on 23rd and 24th April, 2015. The later deposition supplied greater detail, but it did not recast the accusation in any fundamental respect. The disciplinary authority considered the contradictions pressed into service by the Petitioner and concluded that they did not unsettle the central charge. That view may be open to debate on the facts, but it does not cross the high threshold of perversity.

20. Nor can the absence of independent direct corroboration at the staircase carry the Petitioner all the way. The incident, as alleged, was not said to have occurred in the open pandal before the assembled guests, but in a darker segment of the stairs. Hanuman's evidence does not corroborate the assault. Equally, it does not exonerate the Petitioner. It merely shows that he did not witness the alleged act. A finding founded principally on the complainant's account does not become a finding based on no evidence merely because a witness does not directly support it. The father's evidence



of subsequent disclosure and the alleged effort at “*samadhan*” through Surinder were treated as supporting circumstances. Whether another view may be possible on these evidences is not the test in writ jurisdiction, as this Court does not sit in appeal to reappreciate the evidence, which is impermissible.

21. The allegation of *mala fides* and conspiracy suffers from the same weakness that often afflicts such pleas. It is easy to make and difficult to prove. The Petitioner says Mr. S.P. Sethi bore animus towards him, disliked his popularity, and colluded with Ms. X by holding out a promise of regularisation. However, this remains, on the present record, an allegation rather than an established fact. The mere circumstance that Mr. Sethi received the complaint and later deposed as a witness does not, without more, lead to the conclusion that the entire case was fabricated. The Court cannot substitute suspicion for proof.

22. The objection directed at the role of the Disciplinary Action Committee also does not merit acceptance. Under Section 11 of the 2013 Act, where the Respondent is an employee, the inquiry is to be conducted in accordance with the service rules applicable to that employee. Under Section 13, the ICC records its findings and makes its recommendation to the employer. The statutory scheme does not contemplate a second full-scale inquiry into the same allegations after the ICC has completed one. The service rules govern the action to be taken on the ICC report. The civil court and the appellate civil court, whose observations have been extracted in the Tribunal’s order, proceeded on that very understanding. The record shows that the ICC report was furnished to the Petitioner, a show cause memorandum with tentative proposed penalty was issued, time was granted,



his representation was considered, and the final order was then made with prior approval of the Directorate. That is sufficient compliance in law.

23. The submission that the Disciplinary Action Committee acted as a mere rubber stamp is overstated. The final order is not a one-line endorsement. It notices the Petitioner's objections point by point, rejects them with reasons, and ultimately imposes compulsory retirement, which itself is a penalty less severe than the originally proposed removal. The Tribunal also dealt with the same grounds at length. The Court is not persuaded that either order can be described as mechanical in the legal sense.

24. Finally, the penalty cannot be said to shock the conscience of the Court. The charge found proved was one of sexual harassment and conduct involving moral impropriety in an educational institution. Once the finding itself survives judicial scrutiny, the Court would require an exceptional case before it substitutes its own view on punishment. This is not such a case. Compulsory retirement, in the circumstances, cannot be characterised as outrageously disproportionate.

25. For these reasons, the Petitioner has not made out a case for interference under Articles 226 and 227. The proceedings are not shown to suffer from want of jurisdiction, violation of natural justice, or findings based on no evidence. Nor does the challenge to the constitution of the ICC disclose such illegality or prejudice as would vitiate the inquiry.

26. It is made clear that the present judgment examines the matter only from the standpoint of the legality of the disciplinary action and the limited parameters of judicial review applicable thereto. The observations made herein shall not influence the criminal proceedings arising from the same set



of allegations, which must be decided independently, on the evidence led therein, and by application of the standard of proof governing criminal law.

27. The writ petition is, accordingly, dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

MARCH 11, 2026/hc