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

+ **W.P.(C) 5431/2017 & CM APPL. 16273/2020**

RAISINA BENGALI SCHOOL

.....Petitioner

Through: Mr. Anukul Raj, Ms. Nikita Raj, Mr. Tushar Bhalla, Ms. Saveen, Mr. Vishal Yadav and Mr. Manjeet Goswami, Advocates.

versus

GOVT OF NCT OF DELHI AND ORS

.....Respondents

Through: Mrs. Avnish Ahlawat, SC (GNCTD) with Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates.

+ **W.P.(C) 4559/2020 & CM APPL. 16472/2020**

RAISINA BENGALI SCHOOL SOCIETY AND ANR & ANR.

.....Petitioners

Through: Mr. Anukul Raj, Ms. Nikita Raj, Mr. Tushar Bhalla, Ms. Saveen, Mr. Vishal Yadav and Mr. Manjeet Goswami, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

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CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

29.01.2026

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1. These two writ petitions, though instituted at different points of time, W.P.(C) 5431/2017 having been filed in 2017 and W.P.(C) 4559/2020 in 2020, raise a common grievance and are accordingly being disposed of by



this common order.

2. At the time of filing, the petitions sought multiple reliefs. The live controversy, however, lies in a narrow compass. The Petitioners, as submitted by counsel, now only assail the action of the Directorate of Education (“DoE”), Government of NCT of Delhi, in appointing a Head of School (“HoS”) for two institutions, namely Raisina Bengali School, C.R. Park and Raisina Bengali School, Mandir Marg.

3. There is also a dispute concerning the status of the Petitioners’ schools. Nevertheless, on instructions, counsel for the Petitioners submits that, irrespective of such status, the Respondents could not have unilaterally appointed the HoS, since the power to appoint the HoS vests in the school management. It is contended that the impugned appointments amount to an unwarranted intrusion into the administrative autonomy of the schools.

4. The Respondents have sought to justify the impugned action by asserting statutory authority under the Delhi School Education Act and Rules, 1973 (“DSEAR”). The relevant stand of the DoE, as reflected in paragraphs 9 and 10 of the Counter-Affidavit filed in W.P.(C) 4559/2020, is that in the case of Government-aided schools, the Principal or Vice Principal functions as HoS/DDO/HOO, and that the Director of Education is empowered under Section 24(3) read with Rule 50(xviii), Rules 193 and 194, as well as Rule 43 of the DSEAR, to issue appropriate directions. It is further stated that since a Post Graduate Teacher (“PGT”) cannot function as HoS/DDO/HOO under the applicable rules, an HoS from a nearby Government school was appointed purely as an “*interim arrangement*”, in the interest of students and staff, to address the situation of a headless school.



5. Counsel for the Petitioners disputes the factual premise and submits that the schools were not without a head even earlier. It is further submitted that the vacancies in the posts of Principal and Vice Principal in the concerned schools now stand filled.

6. The Court notes two features of the Respondents' justification for the impugned action. First, the appointment was not projected as a permanent assumption of managerial control, but as a stop-gap measure. Secondly, the asserted trigger for such intervention was the absence of an eligible incumbent, coupled with the DoE's stated position that a PGT could not discharge the functions of HoS/DDO/HOO.

7. As per the Petitioners, the vacancies in the posts of Principal and Vice Principal in the concerned schools now stand filled. In that situation, the very basis cited by the DoE for appointing an external HoS, namely the absence of an eligible incumbent and the stated inability of a PGT to discharge the functions of HoS/DDO/HOO, does not survive. Moreover, DoE's appointment was "*interim*" in nature. This arrangement cannot be permitted to ossify into an indefinite measure by default, particularly where it bears directly on the administration of an aided institution.

8. In these circumstances, the Court is inclined to grant the limited relief that remains necessary. Accordingly, the petitions are disposed of with the following directions:

- (i) The Petitioners shall, within two weeks from today, submit a detailed representation to the DoE, enclosing particulars of the Principals and Vice Principals presently appointed in the concerned schools, along with supporting material.
- (ii) Upon receipt of the representation, the DoE shall consider the same



and pass a reasoned and speaking order, in accordance with law and the provisions of the DSEAR, on the continuation or withdrawal of the HoS arrangement impugned herein, within four weeks thereafter.

9. It is clarified that the above directions are issued without prejudice to the rights and contentions of the Petitioners regarding the status of the schools, which is stated to be the subject matter of other pending proceedings.

10. With the above directions, the present petitions are disposed of, along with any pending application(s).

SANJEEV NARULA, J

JANUARY 29, 2026

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