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

+ W.P.(C) 10899/2018, CM APPL. 42512/2018 & CM APPL.
46947/2018

PREETI MATHUR

.....Petitioner

Through: Mr. Deeptakirti Verma & Ms. Neha
Sharma, Advocate.

versus

DIRECTORATE OF EDUCATION

.....Respondent

Through: Mrs. Avnish Ahlawat, SC, GNCTD
with Mr. N. K. Singh, Ms. Aliza
Alam & Mr. Mohnish Sehrawat,
Advocates for R-1 to 5.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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09.02.2026

1. This petition concerns disciplinary proceedings initiated against the Petitioner, who is working as PGT (Political Science) at SRSD Senior Secondary School. The Petitioner was initially appointed as PGT (Political Science) in 1999 and, in 2008, was asked to discharge duties as Officiating Principal. During the period 2013-2014, the school was taken over by the Directorate of Education (“DoE”), pursuant to which the Petitioner reverted to the post of PGT (Political Science).

2. The case of the Petitioner is that between 2015 and 2017 she submitted several complaints to departmental authorities alleging administrative and financial irregularities committed by Ms. Sadhna Mittal, who had been appointed as Authorised Officer by the DoE. According to the



Petitioner, no action was taken on those complaints, compelling her to escalate the matter by a complaint dated 27th February, 2017 addressed to various authorities, including the Central Vigilance Commission (“CVC”).

3. On 18th August, 2017, an Office Memorandum was issued to the Secretary (Vigilance), GNCTD indicating that the complaint warranted investigation. Shortly thereafter, a memorandum dated 9th March, 2018 was served upon the Petitioner, purportedly initiating disciplinary enquiry proceedings. By a further order dated 20th April, 2018, Mr. K.C. Arora, Education officer (Retd.), was appointed as the Inquiry Officer.

4. The Petitioner challenges the aforesaid actions primarily on the ground that the Disciplinary Action Committee (“DAC”) which initiated the proceedings was not constituted in accordance with Rule 118 of the Delhi School Education Rules, 1973¹ and that the proceedings are vitiated by bias.

5. This Court, *vide* order dated 19th November, 2018, stayed the operation of the memorandum dated 9th March, 2018 and the order dated 20th April, 2018 appointing the Enquiry Officer.

6. Mr. Deeptakirti Verma, counsel for the Petitioner, raises two principal objections. First, the DAC itself was unlawfully constituted, as the impugned proceedings describe the Chairperson as “DDE (South East) A&PS” and also refer to “DDE (Zone-25) A&PS” as the Director’s nominee, which are not identifiable posts in the Directorate’s administrative structure and do not appear in the departmental directory, thereby rendering the initiation of proceedings without jurisdiction. Second, the DAC included a Teacher Representative, Ms. Mamta Joshi, who is an accused in FIR No. 167/2011 dated 30th April, 2011, registered at P.S. Amar Colony, Delhi,



which was lodged at the instance of the Petitioner in relation to an incident dated 25th April, 2011, and her participation gives rise to a manifest and reasonable apprehension of bias vitiating the proceedings at inception.

7. On the other hand, Mrs. Avnish Ahlawat, Standing Counsel for the Respondent, contests the maintainability of the petition, submitting that ordinarily writ jurisdiction is not invoked to interdict disciplinary proceedings at a preliminary stage and the Petitioner has an adequate opportunity to respond before the enquiry authority.

8. On the question of constitution of the DAC, the Respondent contends that the designation “DDE (South East) A&PS” refers to a designated post dealing with aided and unaided private schools in the district, and place reliance on an office order dated 7th September, 2017 whereby Ms. Usha Chaturvedi was posted as Deputy Director of Education (Aided and Un-Aided) and entrusted with such charge. However, beyond this, the Counter Affidavit does not clarify the status, designation or authority referable to “DDE (Zone-25) A&PS” described as the Director’s nominee. Further, the response is conspicuously silent on the Petitioner’s specific plea regarding the inclusion of Ms. Mamta Joshi and the criminal proceedings alleged against her.

Analysis

9. The scope of judicial review at the stage of a memorandum/charge-sheet or memorandum is limited. The Supreme Court in ***Union of India & Anr. v. Kunisetty Satyanarayana***² has cautioned that a charge-sheet ordinarily does not give rise to a cause of action and that premature

¹ “DSE Rules”

² (2006) 12 SCC 28.



interference would convert writ jurisdiction into a forum for stalling disciplinary proceedings. Interference at this stage is therefore confined to rare and exceptional situations, such as where the action is wholly without jurisdiction or otherwise wholly illegal.

10. On this touchstone, the Court is not persuaded to enter the merits of the Petitioner's narrative that the impugned proceedings reflect bias or are a counterblast to her vigilance complaints. Those assertions traverse disputed questions of motive and factual causation and would require examination of chronology, internal correspondence and the evidentiary basis of the proposed charges, an exercise neither appropriate nor necessary at this incipient stage. The disciplinary process itself provides the forum to test the allegations, the defence and surrounding circumstances. The Petitioner remains at liberty to raise all available defences, including the plea of victimisation or *mala fides*, before the competent authority and, if occasion arises, to challenge any final adverse decision in accordance with law.

11. The petition, however, does raise a more foundational concern. The question is not whether the charges are correct, but whether the machinery that set the disciplinary process in motion was legally constituted and free from disqualifying bias. These issues do not belong to the realm of factual defence; they go to the legality of the process itself and therefore fall within the limited grounds on which judicial review at this stage remains permissible.

12. Rule 118 of the DSE Rules contemplates a specific disciplinary framework, including a committee structure for major disciplinary decisions. When a rule prescribes who must sit in judgment, the identity and authority of those members cannot remain uncertain or inferential. The Respondent



seeks to justify the description “*DDE (South East) A&PS*” by placing reliance upon an office order dated 7th September, 2017, assigning Ms. Usha Chaturvedi the charge relating to aided and unaided private schools within the South-East district. That material may answer the Petitioner’s objection in part, provided it is shown that the assignment preceded the memorandum dated 9th March, 2018 and continued to subsist on the said date. The legality of initiation cannot rest upon a subsequent arrangement or retrospective explanation.

13. The difficulty, however, arises in relation to the second designation, “*DDE (Zone-25) A&PS*”, described as the Director’s nominee. The Counter Affidavit does not disclose the administrative basis of such designation, the officer holding that office on the relevant date, or the authority under which such person acted as the Director’s nominee. In the absence of a clear and verifiable explanation, the Court is unable to treat the constitution of the DAC as unexceptionable.

14. The Petitioner’s plea regarding Ms. Mamta Joshi stands on a different plane. The Petitioner asserts that she is an accused in criminal proceedings instituted at the Petitioner’s instance relating to an incident dated 25th April, 2011. This assertion has not been controverted in the response. Nor is any explanation offered as to why, out of the available teachers, a person facing criminal proceedings at the instance of the delinquent employee was chosen as the Teacher Representative on the DAC.

15. The principle is elementary: justice must not only be done but must be seen to be done. The test is not proof of actual prejudice; it is whether the circumstances give rise to a reasonable apprehension in the mind of a fair-minded observer that the decision-maker may not bring an impartial mind to



the task.³ On the Petitioner's unrebutted averments, the inclusion of Ms. Mamta Joshi in a body that triggers and supervises disciplinary action against the Petitioner fails this test and taints the proceedings at inception.

16. In these circumstances, the Court is satisfied that the Petitioner has made out a case for limited interference, confined to curing the foundational infirmity in the constitution of the DAC and removing the reasonable apprehension of bias. Beyond that, this Court does not express any view on the merits of the allegations against the Petitioner or on the Petitioner's allegations against departmental officers. Those issues remain open.

17. The writ petition is partly allowed in the following terms:

17.1. The order dated 20th April, 2018 appointing the Enquiry Officer is set aside.

17.2. The Respondent shall reconstitute the DAC strictly in accordance with Rule 118 of the DSE Rules, ensuring that each member is identifiable, duly authorised, and free from any circumstance giving rise to a reasonable apprehension of bias.

17.3. Ms. Mamta Joshi shall not form part of any DAC constituted in relation to the Petitioner, having regard to the evident adversarial backdrop between the Petitioner and the said person, which gives rise to a legitimate and reasonable apprehension of bias.

17.4. If the Respondent proposes to include Ms. Usha Chaturvedi in the capacity of Deputy Director of Education dealing with Aided and Un-Aided Private Schools for South-East District, such inclusion shall be subject to the Respondent placing on record the order by which she was entrusted with that charge and demonstrating that the said entrustment existed prior to, and

³ See: *Kumaon Mandal Vikas Nigam Ltd. v. Girja Shankar Pant & Ors.* (2001) 1 SCC 182.



was subsisting on, 9th March, 2018, which is the date of the impugned memorandum. Failing such disclosure and confirmation, Ms. Usha Chaturvedi shall not be shown as part of the Committee in that capacity and the Respondent shall nominate the competent officer in accordance with Rule 118 of the DSE Rules.

17.5 The reconstituted DAC shall reconsider the matter afresh and take an independent decision, in accordance with law, on whether any disciplinary proceedings are required to be initiated/continued against the Petitioner. If the DAC forms the view that proceedings are warranted, it shall proceed from the stage permissible in law, in a manner consistent with the applicable rules.

18. The interim stay granted earlier shall stand modified to the extent indicated above. It is clarified that this Court has not adjudicated upon the substance of the allegations against the Petitioner, and all rights and contentions on merits are expressly left open.

19. The petition and pending application(s), if any, stand disposed of in the above terms.

SANJEEV NARULA, J

FEBRUARY 9, 2026/hc