



2026:DHC:1588



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

% Judgment reserved on: 07.02.2026
Judgment delivered on: 23.02.2026

+ **W.P.(C) 9568/2015, CM APPL. 22582/2015, CM APPL. 4926/2016 & CM APPL. 41170/2022**

GURU HARKRISHAN PUBLIC SCHOOLPetitioner

versus

DIRECTORATE OF EDUCATION & ANR.Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. A.P.S. Ahluwalia, Senior Advocate with Mr. S.S. Ahluwalia and Ms. Rimpay Rohilla, Advocates.

For the Respondents : Ms. Latika Chaudhary, Advocate and Mr. Suresh Chander, LA for DoE.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G M E N T

TUSHAR RAO GEDELA, J.

1. Present petition has been filed under Articles 226 and 227 of the Constitution of India, 1950 assailing the order dated 29.07.2015 passed by the learned Delhi School Tribunal (hereinafter referred to as 'DST') whereby the appeal bearing Appeal No.31/2013 filed by the respondent no.2/Sh. Babu Lal was allowed, and the office order dated 17.06.2009 *vide* which the promotion of respondent no.2 to the post of Office Superintendent was cancelled and acceptance of the resignation of respondent no.2 by the Sub-Committee of the petitioner school dated



26.08.2010, was set aside and the respondent no.2 was reinstated with immediate effect alongwith consequential benefits. Further, the petitioner school was directed to decide and pass a speaking order on the representation of respondent no.2 regarding back wages.

2. Briefly, the facts stated in the petition are as under:-

- a) It is stated that the respondent no.2 had joined the petitioner school as a Peon on 05.07.1991 and was confirmed after completing the probation in the year 1992. In the year 1996, the respondent no.2 was confirmed as an Office Assistant and was thereafter promoted to the post of UDC in the year 1997. In the year 2001, respondent no.2 was promoted to the post of Accountant. Subsequently, the respondent no.2 was promoted as Office Superintendent (Accounts) with the petitioner in the year 2008.
- b) It is the case of the petitioner that on account of complaints against the respondent no.2, he was demoted by the petitioner on 17.06.2009. The petitioner got an audit conducted and *vide* Report dated 27.08.2009, the petitioner learnt that the respondent no.2 was involved in financial mismanagement/embezzlement of the funds of the petitioner school. Consequently, a show cause notice dated 26.10.2009 was issued to the respondent no.2. A reply dated 04.11.2009 to the said show cause notice was submitted by respondent no.2. Upon consideration of the reply, the petitioner deemed it fit to suspend respondent no.2 with immediate effect.
- c) Assailing the suspension order dated 14.11.2009, the respondent no.2 preferred a writ petition bearing W.P.(C) 13566/2009, wherein *vide* order dated 03.12.2009, this Court had restrained the operation of the order of suspension. The petitioner stated that the respondent no.2



had joined back its services, however on this issue, it appears there were a lot of disputes and differences between the parties. The same may not be germane to decide the present dispute.

- d) Be that as it may, on 29.06.2010, the petitioner lodged a criminal complaint which was registered as FIR No.190/2010 with PS Punjabi Bagh arraigning respondent no.2 and Ms. Princee Kaur under Sections 420/468/471 read with Section 34 of Indian Penal Code, 1860 alleging embezzlement and misappropriation of funds. The issue pertaining to the registration of FIR is also not relevant to the present *lis*.
- e) It is stated by the petitioner that respondent no.2 had submitted a typed resignation letter on 25.07.2010. Thereafter, a handwritten resignation letter dated 04.08.2010 was tendered by the respondent no.2. On 06.08.2010, the petitioner sent a letter to the respondent no.1/Directorate of Education (hereinafter referred to as 'DoE') informing about the resignation of respondent no.2 and requesting for approval in terms of Rule 114A of the Delhi School Education Rules, 1973 (hereinafter referred to as '*the Rules*'), which was returned with a remark by DoE to attach the Minutes of the Meeting of the Governing Body (the Managing Committee of the petitioner school).
- f) It is the case of the petitioner school that thereafter, *vide* Minutes of the Meeting dated 20.08.2010, the Governing Body of the petitioner, with the consent of DE-nominee, accepted the resignation tendered by the respondent no.2. Simultaneously, it was decided to constitute a 5-member Sub-Committee comprising the Chairman, Principal and three (3) other members. Consequently, the said Sub-Committee,



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vide its Minutes of the Meeting held on 23.08.2010, asked the respondent no.2 to appear before it on 26.08.2010 at 11:30 a.m, to ascertain that he had resigned without any pressure from any quarter. It is stated that on 26.08.2010, the respondent no.2 had appeared before the said Sub-Committee and confirmed that he is resigning of his own will and desire without any pressure, and also made an annotation to that effect on his original handwritten resignation dated 04.08.2010, which was witnessed by the members of the Sub-Committee. Upon its satisfaction, the Sub-Committee accepted the voluntary resignation of respondent no.2. It is claimed that the respondent no.2 also accepted the cheque bearing no.953046 dated 26.08.2010 for a sum of Rs.1,95,726/- as full and final payment of dues without any protest whereafter, the said amount was duly credited to respondent no.2 in his account. It is stated that the resignation letter dated 04.08.2010 was accepted by the Governing Body of the petitioner, being the competent authority, on 20.08.2010 and thereafter, by the Sub-Committee formed by the Governing Body, on 26.08.2010.

- g) Thereafter, the petitioner claims to have submitted a letter dated 07.09.2010 to the respondent no.1/DoE enclosing therewith the Minutes of the Meeting of the Governing Body as well as of the Sub-Committee accepting the resignation tendered by the respondent no.2. The DoE responded by directing the petitioner to enclose the original resignation letter. Thereafter, by letter dated 23.09.2010, the petitioner enclosed the original resignation letter of respondent no.2 and requested for approval of DoE in terms of Rule 114A of the Rules.



- h) It is stated that by the letter dated 10.01.2011, the DoE had sought clarification/information from respondent no.2 as to whether he has any objection to grant of approval to acceptance of his resignation by the petitioner's authorities. In response where to, respondent no.2 *vide* his letter dated 13.01.2011 informed the DoE that the said resignation was submitted by him under force by the petitioner school's management and thus, was not voluntary.
- i) The DoE sent a letter dated 15.01.2011 to the petitioner seeking its comment regarding the representation dated 13.01.2011 received by it from respondent no.2. In response, on 20.01.2011, the petitioner clarified that the respondent no.2 had appeared before the Sub-Committee and confirmed that his resignation is on his own free will and desire, and had also made a handwritten annotation to that effect in his original handwritten resignation letter dated 04.08.2010, which was witnessed by all the members of the Sub-Committee. The petitioner again enclosed the original resignation of respondent no.2 alongwith Minutes of the Meeting of the Governing Body as well as of the Sub-Committee, for DoE's approval in terms of Rule 114A of the Rules.
- j) However, the DoE, by the letter dated 23.03.2011, refused to grant approval to the acceptance of resignation of respondent no.2 which was communicated to it by the petitioner.
- k) It is the allegation of respondent no.2 that despite the non-acceptance/rejection of the acceptance by the DoE of the resignation tendered by respondent no.2, he was not allowed to join the services of the petitioner. It appears that aggrieved thereof, the respondent no.2 had filed a writ petition bearing W.P.(C) 4661/2012. *Vide* order



dated 14.08.2012, the Court had directed the petitioner school to send communication to the respondent no.2 for joining duty within 15 days. Subsequently, *vide* order dated 01.05.2013, this Court had, while observing that there being disputed questions of facts which require evidence to be led by the parties, dismissed the said writ petition as withdrawn granting liberty to respondent no.2 herein to pursue his remedies before the appropriate Civil Court/Tribunal.

- l) In terms of the liberty so granted, the respondent no.2 had filed an appeal before the learned DST bearing Appeal No.31/2013 under Section 8(3) of the Delhi School Education Act, 1973 (hereinafter referred to as '*the Act*'). *Vide* impugned order dated 29.07.2015, the learned DST allowed the appeal and set aside the office order dated 17.06.2009 demoting the respondent no.2 and acceptance of the resignation of respondent no.2 by the Sub-Committee dated 26.08.2010, and thereby directed the petitioner to reinstate respondent no.2 with immediate effect with all consequential benefits.

- m) It is this order dated 29.07.2015 of the learned DST which is assailed in the present writ petition.

CONTENTIONS OF THE PETITIONER SCHOOL:-

3. Mr. S. S. Ahluwalia, learned senior counsel appearing for the petitioner school submitted that the impugned order dated 29.07.2015 passed by the learned DST is unsustainable, both on facts as also on law and ought to be set aside.

4. Learned senior counsel contended that the controversy revolves only around the issue whether the DoE had any right, authority or jurisdiction to reject the decision of the Governing Body of the petitioner to accept the



resignation of respondent no.2 tendered on 04.08.2010. Another connecting legal argument, according to him, which needs consideration of this Court is as to whether the deeming fiction contemplated in Rule 114A of the Rules would not become applicable to the facts of the present case as no reply/response from the DoE was received within thirty (30) days of the letters sent on 07.09.2010 and 23.09.2010 by the petitioner, informing the DoE of the acceptance of the resignation of respondent no.2.

5. Learned senior counsel contended that a plain reading of Rule 114A of the Rules leave no manner of doubt that in the absence of a response from the DoE within thirty (30) days from the communication received by it of the acceptance of resignation by the Governing Body, there is an automatic deemed approval of DoE. He would contend that the Governing Body (which is the Managing Committee of the petitioner) is the competent authority which is to accept or reject the resignation letter tendered by any employee. On that basis, he contended that since the provision is very clear, there is no way the DoE could, *vide* its letter dated 23.03.2011, refuse to grant approval to the resignation of respondent no.2.

6. On facts, Mr. Ahluwalia, learned senior counsel stated that the petitioner gained the knowledge that the respondent no.2 was indulging in cheating, siphoning of funds and large scale irregularities in the financial aspects of the petitioner when an audit report dated 27.08.2009 was tabled before the Governing Body. He submitted that following such revelation, a FIR bearing no.190/2010 dated 29.06.2010 was registered against respondent no.2 under Sections 420/468/471/34, IPC. This Trial, he informed, is still continuing. As a follow up, a show cause notice was issued to respondent no.2 on 26.10.2009 which was replied to by respondent no.2, *vide* communication dated 04.11.2009. Not convinced by



the reply received, the petitioner suspended the respondent no.2 on 14.11.2009.

7. Learned senior counsel submitted that while certain *inter se* disputes and litigations were continuing and pending, the respondent no.2 tendered his resignation on 25.07.2010 which, according to him, was on account of respondent no.2 being caught in the criminal activities. He also submitted that in order to avoid any disciplinary action against him, respondent no.2 tendered a handwritten resignation letter dated 04.08.2010. He further submitted that the said resignation was accepted by the Governing Body of the petitioner in terms of the Rules, on 20.08.2010. He would contend that the said acceptance on 20.08.2010 was fully compliant with the provisions of the Act and in the presence of nominee of the DoE. The Governing Body of the petitioner decided to constitute a five-member Sub-Committee to ascertain that respondent no.2 had tendered his resignation without any pressure. In terms whereof, respondent no.2 was required to appear before the Sub-Committee on 26.08.2010. It was submitted that the respondent no.2 had indeed appeared on the said date and expressed the voluntary nature of the resignation tendered and in lieu of such resignation, received a cheque of Rs.1,95,726/- as full and final settlement, which was also encashed by him.

8. Learned senior counsel offered an argument that once a voluntary resignation was tendered by the employee and accepted by the Managing Committee of the petitioner on 20.08.2010 and further re-affirmed by the Sub-Committee on 26.08.2010, without the respondent no.2 withdrawing his resignation before such acceptance, no order in the nature of the letter dated 23.03.2011 refusing approval could at all be passed by the DoE. In that context, he would contend that the reliance of the learned DST on the



letter dated 23.03.2011 of the DoE is contrary to the law and vitiates the entire impugned order.

9. Mr. Ahluwalia, learned senior counsel would vehemently contend that respondent no.2 had tendered his voluntary resignation on 04.08.2010; which was accepted by the by the Governing Body (Managing Committee) of petitioner on 20.08.2010; re-affirmed on 26.08.2010 by the Sub-Committee formed by the Governing Body; the communication whereof to the DoE having been sent on 23.09.2010 and received by the DoE on 24.09.2010; and having regard to the fact that no approval was received from the DoE within thirty (30) days therefrom as per the requirement of Rule 114A of the Rules, the deeming fiction envisaged in the said Rule 114A would be effective and the approval of the DoE would be deemed to have been accorded. In that context, learned senior counsel would contend that the refusal by DoE, *vide* letter dated 23.03.2011, would be rendered irrelevant and would not bind the petitioner.

10. Yet another aspect to buttress the submission that the resignation was voluntary, learned senior counsel stated that the cheque to the tune of Rs.1,95,726/- which was issued to respondent no.2 on 26.08.2010 as full and final settlement of his dues, was in fact encashed by respondent no.2. Learned senior counsel would contend that if the bogey of respondent no.2 having been coerced or forced into tendering his resignation were to be believed, there was no reason why respondent no.2 would encash the said cheque at all. He would contend that ignoring such relevant facts pertaining to the conduct of respondent no.2, both the letter of the DoE dated 23.03.2011 as well as the impugned order of the learned DST dated 29.07.2015, cannot withstand the scrutiny of law.



11. Learned senior counsel also contended that respondent no.2 had never sent any letter seeking withdrawal of his resignation or even a complaint that such resignation was forced upon him, to either the petitioner school or the DoE. In order to substantiate the said contention, he submitted that from the time respondent no.2 resigned on 04.08.2010 and till the DoE wrote to respondent no.2 on 10.01.2011, no letter of withdrawal of resignation or any complaint was initiated or sent by respondent no.2 to the DoE. He thus contended that in such background facts, the letter dated 23.03.2011 of the DoE is, apart from being a cryptic order, also has no substantial basis on which such impugned order could have been passed.

12. Another legal argument raised by the learned senior counsel is in respect of the manner in which the learned DST has misdirected itself on the position of law arising in the facts of the case. He would contend that the learned DST was bound by sub-section (3) of Section 8 of the Act to adjudicate cases wherein the employee has been terminated, while the defence of the petitioner before the learned DST was that respondent no.2 had tendered resignation. He would stoutly contend that a resignation tendered and accepted under Rule 114A of the Rules is conceptually and fundamentally different from a termination contemplated under Section 8(3) of the Act. It is the admitted case of both the parties that no letter of termination removing the respondent no.2 from services was ever issued by the petitioner. Having regard thereto, in his contention, the learned DST had no jurisdiction to adjudicate an issue related to resignation letter in exercise of powers under Section 8(3) of the Act. He further contended that the learned DST yet again misdirected itself in law by connecting the issue of suspension of the petitioner with the resignation tendered by respondent



no.2. He argued that the issue of suspension has no rationale or nexus with the issue of resignation which is by itself voluntary in nature. Thus, the impugned order dated 29.07.2015 of the learned DST is *non est* in law.

13. Learned senior counsel also contended that the conduct of respondent no.2 in not submitting any letter withdrawing the resignation; in not sending any complaint to either the petitioner or the DoE regarding the alleged coercion in extracting the resignation letter from him; and, approaching this Court by filing W.P.(C) 4661/2012, after a delay of two years without any plausible reasons, indicates that the respondent no.2 had voluntarily tendered his resignation in order to avoid the penal consequences which may arise from FIR No.190/2010 and also to avoid disciplinary action which may have been initiated by the petitioner on account of cheating and embezzlement of funds by respondent no.2 while serving as Superintendent with the petitioner. Predicated on the aforesaid arguments and facts, learned senior counsel would submit that both, the letter of the DoE dated 23.03.2011 and the impugned order of the learned DST dated 29.07.2015 ought to be quashed and set aside.

14. Learned senior counsel would also contend that so far as the petitioner is concerned, it is a minority unaided institution recognized by the DoE and enlisted in the list of minority institutions maintained by the DoE. He would contend that it is settled law that in respect of management of affairs, the DoE cannot interfere with the decisions taken by the Managing Committee in regard to its employees. This contention is notwithstanding the fact that on 20.08.2010, the Governing Body of the petitioner, including nominee of the DoE, resolved to accept the resignation of respondent no.2. Thus, it is prayed that the present petition be allowed.



CONTENTIONS OF THE RESPONDENT NO.2:-

15. Mr. Babu Lal, respondent no.2 appeared in person to argue his case.

16. Respondent no.2 would submit that there was a change in the school management in the year 2009 and in order to appoint its own persons, the Managing Committee of the petitioner started harassing and humiliating respondent no.2 in order to coerce him to tender resignation. He submitted that the first act of discrimination against him by the new Managing Committee commenced by demoting him from the post of Office Superintendent to that of an Accountant on 17.06.2009. This followed by an office order dated 26.10.2009 in the form of a show cause notice to respondent no.2. Thereafter, the petitioner suspended respondent no.2 from the services *vide* order dated 14.11.2009 without intimation to or seeking approval from the DoE, which was mandatory under Section 8(2) of the Act. He would submit that the said illegal action was challenged by respondent no.2 before this Court by way of a petition bearing W.P.(C) 13566/2009. *Vide* order dated 03.12.2009, this Court was pleased to stay the suspension. It is claimed that consequent to the order dated 03.12.2009, when respondent no.2 sought to join the petitioner, the authorities prohibited him from doing so, thus, being aggrieved, the respondent no.2 filed a contempt petition no.956/2009. It was only thereafter that the petitioner permitted respondent no.2 to join duties, however, neither allotted work to him nor paid the arrears and back wages.

17. Mr. Babu Lal submitted that as retaliation, the Managing Committee of the petitioner in order to coerce and arm-twist him, registered a false and a frivolous FIR No.190/2010 on 29.06.2010. Respondent no.2 submitted that the petitioner school forced him to tender a resignation on 04.08.2010 which was sent to the DoE on 06.08.2010 without the necessary approval



of the Governing Body of the petitioner school as mandated under the Act. He submitted that *vide* letter dated 07.08.2010, the DoE directed the petitioner to supply the Minutes of the Governing Body resolving to accept the alleged resignation purported to have been tendered by him. He vehemently asserted that till that date, he had not signed on any resignation letter nor was it approved or accepted by the Governing Body (Managing Committee).

18. Since the evil design of the petitioner school was not succeeding, he was summoned to the school on 26.08.2010. He would contend that on the said day, some persons of the Managing Committee put him under duress and under the threat of arrest, and forced him to tender a resignation letter, purportedly dated 04.08.2010. He vehemently contended that the said alleged resignation is contrary to the Act and the Rules as also in violation of the service contract and the scheme of management of the petitioner.

19. He further submitted that in order to substantiate its falsehood surrounding the alleged resignation letter, the petitioner fraudulently and dishonestly released the gratuity and leave encashment amounting to Rs.1,95,726/- *vide* cheque dated 26.08.2010 and forced him to deposit it on the same day in his bank account of the Bank situated in the petitioner school's premises. He further submitted that the petitioner forced him to withdraw a sum of Rs.1,90,000/- on 26.08.2010 itself and the said amount was taken away by one of the employees of the petitioner. He also submitted that these facts were brought to the notice of this Court by way of a rejoinder affidavit dated 12.11.2010 in W.P.(C) 13566/2009 which was filed by him against the suspension letter dated 14.11.2009. He further stated that it was during the pendency of the said writ petition that this



Court was informed by the petitioner that respondent no.2 had tendered a resignation.

20. He further stated that this Court, on account of the statement given by the counsel for the petitioner regarding resignation tendered by respondent no.2, directed the petitioner school, which was the respondent therein, to file an additional affidavit *vide* order dated 09.02.2012. He further stated that this Court *vide* order dated 29.05.2012 noted that since he wanted to withdraw the application with liberty to file a fresh petition as a cause of action had freshly arisen, on account of the alleged resignation letter, such liberty was granted to file a fresh petition.

21. Respondent no.2 further stated that in the interregnum, the DoE *vide* letter dated 10.01.2011 sought clarification from him as to whether he has any objection to the grant of approval to the acceptance of his resignation which was communicated by the petitioner school. In response thereto, *vide* communication dated 13.01.2011, the respondent no.2 clearly stated that the resignation was forcefully taken by the petitioner school. It is stated that in view of the letter dated 13.01.2011 communicated by him, the DoE by its letter dated 23.03.2011 refused/rejected the request of the petitioner to grant approval to the resignation tendered by respondent no.2.

22. He submitted that the entire aforesaid factual matrix clearly indicates that his resignation was not voluntary and was extracted by way of coercion and threat of getting him arrested on the basis of the false and frivolous FIR No.190/2010 registered by the petitioner on false, frivolous and baseless allegations. He contended that his resignation was not voluntary and he was forced to tender his resignation in the manner as stated above. He also contended that the DoE, *vide* its letter dated 23.03.2011, has rightly refused to grant approval to the coerced resignation



under Rule 114A of the Rules and the jurisdiction vested upon it, after considering the fact that the resignation letter purported to have been tendered by him was not voluntary but forced. He also forcefully contended that the learned DST, by way of the impugned order dated 29.07.2015, had appreciated all the surrounding facts and the law on the subject, before quashing the order of demotion as well as directing his reinstatement. He argued that the learned DST had rightly adjudicated the appeal of the respondent no.2, and rightly observed that the suspension order merged in the resignation, deeming it to be in the nature of termination since it was observed that, i) the resignation was not voluntary but forced and coerced, ii) such coerced resignation would tantamount to termination and; iii) that the resignation had not been accepted in terms of the Act and the Rules.

23. He thus submitted that given the facts as narrated by him, there is no merit in the writ petition and the same may be dismissed with heavy and exemplary costs against the petitioner and in favour of the respondent no.2.

CONTENTIONS OF THE RESPONDENT NO.1/DoE:-

24. Ms. Latika Chaudhary, learned counsel appearing for the DoE generally supported the letter dated 23.03.2011 of the DoE as also the impugned judgment dated 29.07.2015 passed by the learned DST.

25. By inviting attention to the letter dated 06.08.2010 sent by the petitioner, she submitted that the said letter did not enclose any information in respect of the decision taken by the Managing Committee regarding the resignation of respondent no.2. This aspect was conveyed to the petitioner. She submitted that the petitioner again wrote a letter dated 07.09.2010 submitting the decision of the Managing Committee for the first time.

26. However, the petitioner had yet again failed to enclose the original resignation letter stated to have been tendered by the respondent no.2 to the



petitioner. The DoE had to again direct the petitioner to furnish the original resignation letter. It was in these circumstances when the petitioner did not respond to the DoE as per the Rules, that the DoE had sought clarification from respondent no.2 *vide* letter dated 10.01.2011 as to whether he has any objection to grant of approval by DoE to his resignation. In response thereto, the respondent no.2 by the letter dated 13.01.2011 intimated that it was on account of force and coercion exerted by the petitioner that the respondent no.2 tendered the said resignation.

27. After having received the said response and having found the petitioner to be violating the Rules, the letter dated 23.03.2011 was passed by the DoE refusing the grant of approval to the resignation of respondent no.2 in terms of Rule 114A of the Rules. Learned counsel also contended that the alleged acceptance of the resignation letter by the Managing Committee of the petitioner was not in accordance with Rule 114A of the Rules and hence, no such approval contemplated under the said Rule could have been accorded by it to the petitioner.

28. On the basis of the aforesaid, Ms. Chaudhary, learned counsel submitted that both, the letter dated 23.03.2011 of the DoE as well as judgment dated 29.07.2011 of the learned DST cannot be assailed by the petitioner. She thus sought dismissal of the writ petition.

ANALYSIS & CONCLUSION:-

29. Heard learned senior counsel for the petitioner as also Mr. Babu Lal, the respondent no.2 in person and Ms. Latika Chaudhary, learned counsel appearing for respondent no.1/DoE, examined the judicial records and records summoned from the DoE and considered the judgments relied upon by the parties.



30. The questions which arise for the consideration of this Court in the present writ petition are, (i) as to whether, once a resignation tendered by an employee of a school is accepted by the competent authority i.e., the Managing Committee (in the present case, the Governing Body), the DoE has any right, authority or jurisdiction to reject the same at the instance of the employee; (ii) whether there is any mandate or requirement under Rule 114A of the Rules providing for “prior approval” of the DoE before the acceptance of resignation by the Managing Committee can be said to be valid; (iii) whether in a case where an employee has not withdrawn his resignation before either the acceptance of the same by the Managing Committee or from the date such resignation would become effective, the DoE can refuse according approval; and (iv) whether the deemed approval of the DoE, if not responded within thirty (30) days of the receipt of such communication by the school as stipulated in Rule 114A, would make the resignation effective and complete.

31. At the outset, it would be relevant to reproduce Rule 114A of the Rules hereunder:-

*“[114A. Resignation— The resignation submitted by an employee of a recognised private school shall be accepted within a period of thirty days from the date of the receipt of the resignation by the managing committee with the approval of the Director:
Provided that if no approval is received within 30 days, then such approval would be deemed to have been received after the expiry of the said period.]”*

32. The interpretation of Rule 114A of the Rules in respect of the deeming fiction contemplated therein is no more *res integra* in view of the judgment of the learned Division Bench of this Court in ***Nand Kishor vs. Managing Committee of Rani Datta Arya Vidyalaya & Ors.***, LPA 115/2025, decision dated 28.02.2025. In that case, the School had claimed that the employee had tendered his resignation which was accepted by its



Managing Committee which had further communicated the said resignation letter to the DoE for approval in terms of Rule 114A of the Rules. In the interregnum, the employee had claimed that the said resignation was forced and that he has withdrawn the said resignation. Consequently, the DoE refused to grant approval to such resignation. It was this refusal that was challenged by the School by way of writ petitions bearing W.P.(C) 20218-19/2004. The learned Single Judge allowed the writ petition of the School and held that the deeming fiction in Rule 114A of the Rules would enure to the benefit of the School as no communication was received from the DoE within the mandated thirty (30) days period. The employee challenged the judgement of the learned Single Judge by way of an appeal bearing LPA 115/2025. The learned Division Bench, by the judgement dated 28.02.2025, dismissed the appeal filed by the employee. The questions framed, thus are more or less covered by the said judgement except in the present case, respondent no.2 never withdrew the resignation. However, it is imperative to appreciate the observations and the interpretation of law in the aforementioned judgement.

33. The relevant paras of *Nand Kishor (supra)* are reproduced hereunder:-

“13. Perusal of aforesaid documents, amply proves that an unconditional letter of resignation was tendered by the appellant on 15.03.2003, which was duly accepted by the Managing Committee of the School on 29.03.2003. After acceptance, a communication was duly forwarded to the Director of Education informing about the resignation tendered by the appellant and seeking permission to fill the vacancy w.e.f. 01.07.2003. It is pertinent to observe that at no point of time after tendering of resignation till its acceptance by the Managing Committee on 29.03.2003 and till forwarding of letter dated 08.05.2003 to Deputy Director of Education, appellant raised any grievance that resignation was given under pressure. Since no communication was forwarded by the Director of Education within 30 days of letter dated 08.05.2003, the resignation is deemed to have been approved under Rule 114A of the DSE Rules. It is only on 07.07.2003 that the appellant for the first time



claimed to have written a letter to the respondent school stating that resignation had not been willingly given. A comprehensive reading of the correspondence clearly reflects that resignation tendered by the appellant as accepted by the Managing Committee was duly intimated to the Director of Education seeking approval of the competent authority with a request for filling the post falling vacant on resignation by the appellant.

Apparently, the stand taken on behalf of the appellant that resignation was not voluntary, is an afterthought. The resignation could not have been withdrawn after the same was accepted by the Managing Committee of the school on 29.03.2003, followed by expiry of 30 days from forwarding of letter dated 08.05.2003 by the respondent school to Director of Education. There does not appear to be any reason to infer that order passed by the learned Single Judge is contrary to Rule 114A of the DSE Rules. Undoubtedly, the legislative intent behind the enactment of Rule 114A of the DSE Rules is to rule out possibility of undue pressure or coercion in obtaining resignations thereby requiring approval of the competent authority but the facts of the instant case reflect that resignation by the appellant vide letter dated 15.03.2003 was voluntary and was not withdrawn within the stipulated period, prior to acceptance.

*14. Proposition is also squarely covered by *Modern School v. Shashi Pal Sharma & Others* (supra). In the aforesaid case, the first respondent Shashi Pal Sharma was employed as a Sanskrit teacher at the school and tendered his resignation citing personal and urgent domestic issues on March 17, 1997. The school, vide letter dated March 19, 1997, forwarded the resignation to the Director of Education for approval. However, as no response was received from the Director of Education within the stipulated period of 30 days, the school proceeded to accept the resignation on May 13, 1997 and informed the respondent that he would be relieved on June 17, 1997 after serving the required notice period. Respondent claimed that he had withdrawn his resignation on March 18, 1997 and submitted supporting documents, including a copy of letter allegedly withdrawing the resignation and a telegram dated May 14, 1997, asserting that his resignation had already been revoked. The Education Officer also raised concerns that the Managing Committee had not been informed of the withdrawal before approving the resignation. However, the School contested the claim, on the ground that no such letter of withdrawal was ever received by the school on March 18, 1997, and that the purported withdrawal letter was fabricated.*

A writ petition was thereafter preferred on behalf of the respondent teacher questioning the acceptance of resignation by the school, which was dismissed by the learned Single Judge, since the original school records did not reflect any entry in the dispatch register corresponding to the alleged withdrawal of resignation dated March 18, 1997. The Court held that the claim of the respondent of withdrawing the resignation was an afterthought and was not supported by evidence. Dissatisfied, the respondent filed an intra-court appeal before the Division Bench of the



High Court, which was allowed vide judgment dated December 13, 2005, thereby setting aside the decision of the learned Single Judge.

Hon'ble Supreme Court in proceedings taken by the school upheld the findings of the learned Single Judge, holding that once the resignation had been validly accepted, the respondent could not withdraw it unilaterally. The Court emphasized that under Rule 114A, if no response is received from the Director within 30 days, approval is deemed to have been granted. It was further noticed that respondent failed to provide credible evidence that his resignation had been withdrawn before acceptance.

It was further observed that the terms and conditions of the service are governed by the statute and the statutory Rules. As acceptance of resignation of the first respondent was communicated to him within a period of 30 days, the same would take its effect in terms thereof. Further, the Director of Education acted in terms of representation by first respondent that he had withdrawn his resignation on 18.03.1997 which was factually incorrect. Further, the competent authority was obligated in law to communicate its decision to the school authority within a period of 30 days from the date of communication of the letter of the first respondent.

15. Reference may also be made to the judgment passed by Division Bench of this Court in *Anirudh Kumar Pandey v. Management of Modern Public School & Ors.* (supra). The appellant therein was employed as TGT (Music) and was handed over a memo with reference to charge for outraging the modesty of girl students and misbehaving with lady teachers on 09.09.2000. However, instead of submitting the explanation, the appellant submitted his resignation on 12.09.2000 resigning from service with immediate effect. The resignation was accepted by the Managing Committee of respondent school on the same date and the same was sent for approval of Director of Education on 15.09.2000, who accorded the approval on 15.11.2000. The appellant was dismissed by the school w.e.f. 12.09.2000. Appellant challenged the termination of service, before the Delhi School Tribunal, which noticed that the issue relates to date of acceptance of resignation i.e. whether it was accepted on 12.09.2000 or 15.11.2000 and whether the appellant was forced to resign on 12.09.2000. The Tribunal was of the opinion that the appellant had withdrawn his resignation before the same was approved by DoE in terms of Rule 114A of the DSE Rules and accordingly directed to reinstate the appellant. In the writ petition preferred by the respondent school, the learned Single Judge set aside the judgment passed by the Tribunal and held that in view of Rule 114A, the resignation dated 12.09.2000 became final on being accepted by the Managing Committee on 12.09.2000 itself and thereafter, could not have been withdrawn vide letter dated 17.09.2000. Further, there could not have been any reason for denial of approval of resignation by the Director of Education, which would relate back to 12.09.2000, when the resignation was accepted by the Managing Committee of the school.



In an intra-court appeal preferred on behalf of appellant teacher, it was held that once a letter of resignation is accepted it cannot be withdrawn. Further, in terms of Rule 114A, 30 days is the outer limit to the Managing Committee to accept such resignation and the same does not mean that the Managing Committee has to defer its decision for 30 days till the approval of the Director is received. The Rule does not require that the resignation has to be accepted 'with the prior approval' but simply states that the approval of the Director has to be sought. The approval therefore has to be post-acceptance of resignation letter and the act of Managing Committee holds good till the DoE disapproves the action. It was further observed that the said interpretation of the Rule is ratified by the deeming provision contained in the proviso to the said Rule, which states that if no communication is received from DoE within 30 days, the approval shall be deemed to have been accorded. Relying upon North Zone Cultural Centre and Another v. Vedpathi Dinesh Kumar, (2003) 5 SCC 455, it was further observed that the resignation of an employee becomes effective on acceptance even if the acceptance is not communicated to him. The Division Bench accordingly upheld the judgment passed by the learned Single Judge.

16. In the light of the discussion in preceding paragraphs and settled position of law, we are of the considered opinion that the resignation tendered on 15.03.2003 could not have been withdrawn after the same was accepted by the Managing Committee on 29.03.2003. Nothing has been brought on record to presume that the appellant was pressurized and coerced to submit his resignation prior to acceptance of the same by the Managing Committee of the school on 29.03.2003. The approval of the Director of Education is deemed, since no communication was received within 30 days of communication dated 08.05.2003 by the management of the school. Even otherwise there does not appear to be any valid ground to substantiate the findings of the Director of Education to refuse the grant of approval to the resignation submitted by the appellant. For the foregoing reasons, the order passed by the learned Single Judge setting aside the order of Director of Education does not call for any interference.

In the facts and circumstances, we are unable to accept the contentions raised on behalf of the appellant that the resignation tendered vide letter dated 15.03.2003 did not have a binding effect and could be withdrawn vide letter dated 07.07.2003.

The appeal is accordingly dismissed. Pending applications, if any, also stand disposed of."

[Emphasis supplied]

34. It would be relevant to also consider the judgement in the case of **Urmil Sharma vs. Director of Education: 1996 III AD (Delhi) 48** wherein the learned Division Bench of this Court held that in the context of



acceptance of a resignation tendered by any employee under Rule 114A of the Rules, the Managing Committee of that School is the Competent Authority. Since the same has a bearing on the observations and analysis of this Court, the relevant paragraphs of the same are reproduced hereunder:-

“8. It is not in dispute that in the matter of acceptance of resignation compliance of Rule 114 A of the Delhi School Education Rules is necessary. Rule 114A reads:

“114-A Resignation

The resignation submitted by an employee of a recognised private school shall be accepted within a period of thirty days from the date of the receipt of the resignation by the managing committee with the approval of the Director.

Provided that if no approval is received within 30 days, then such approval would be deemed to have been received after the expiry of the said period.”

9. A bare reading of the Rule would show that there are two conditions precedent in order to make the resignation effective, namely, it must be accepted within a period of thirty days from the date of the receipt of the resignation by the Managing Committee and such acceptance should be with the approval of the Director of Education. The approval, if not received within thirty days, the Director will be deemed to have accorded the approval after the expiry of thirty days.

10. We are not inclined to accept the respondents’ version that the acceptance of the resignation by the Manager on 22.10.1994 is a valid acceptance or that it is acceptance by the appointing authority. Respondents’ stand that the Manager of the School, in the case of the petitioner, is the appointing authority is wholly fallacious. The contract of service, copy of which we directed respondent No. 2 to be placed on record, on the face of it reflects that the same was entered into, as per the requirements of the relevant provisions of the Delhi School Education Act and the Rules between the petitioner and the Managing Committee of the School. The same on behalf of the Managing Committee of the School has been signed by the Manager. The mere fact that the Manager has signed the contract of service “for and on behalf of the Managing Committee” will not make the Manager of the School as the Appointing Authority. Appointing Authority will remain the Managing Committee and it is Managing Committee, who alone is competent to accept the resignation, which is also one of the essential requirements of Rule 114-A of the Rules. There has been no acceptance of the resignation, as is frankly admitted on behalf of respondent No.2, by the Managing Committee, prior to receipt of letter of withdrawal dated 11.11.1994. Neither before the Staff Matters Sub Committee, which passed the



resolution on 28.11.1994, nor to the Director of Education, the petitioner's request for withdrawal dated 11.11.1994 was forwarded. In case resignation had not been accepted by the Managing Committee prior to 11.11.1994, acceptance by the Manager on 22.10.1994 will be ineffective and all actions taken on the basis of this acceptance would be redundant, in view of withdrawal of the resignation by the petitioner on 11.11.1994. The resignation would become effective only on its acceptance by the Competent Authority and not before that and it is a well settled proposition in law that resignation, before it becomes effective, can be withdrawn and in the instant case the same admittedly had been duly withdrawn by the petitioner on 11.11.1994. The act of respondent No.2, as such, in relieving the petitioner or in treating the petitioner relieved from service on 21.1.1995 is also bad in law since the petitioner could not have been relieved on the basis of void orders."

[Emphasis supplied]

35. Thus, viewed from the prism of what the learned Division Bench has held in *Nand Kishor (supra)*, after due consideration of various judgements and the ratio laid in the case of *Urmil Sharma (supra)*, it is clear that, (i) the Competent Authority to accept the resignation tendered by an employee is the Managing Committee of the School; (ii) the employee may withdraw his/her resignation anytime before the acceptance of the resignation by the Managing Committee of the School; (iii) in case no withdrawal is received by the School before acceptance, such acceptance alongwith the Minutes of such resolution/decision and copy of the resignation letter should be communicated by the School to the DoE under Rule 114A of the Rules; (iv) the DoE is to accord approval within thirty (30) days of receipt of such communication; (v) in case the DoE does not respond to the communication received from the School within thirty (30) days of the receipt of such communication, the approval shall be deemed to have been accorded without any further reference to the DoE and; (vi) that Rule 114A of the Rules does not envisage any "prior approval" of DoE as a *sine qua non* to make such acceptance valid.



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36. Having distilled the aforesaid, the same needs to be applied to the facts of the present case.

37. The respondent no.2 is alleged to have committed acts of cheating and siphoning of funds while working as the Office Superintendent of the petitioner in the year 2009, which was revealed from the Audited Accounts of the School by way of an Audit Report dated 27.08.2009. A show cause notice dated 26.10.2009 was issued to the respondent no.2. Further action was taken on 17.06.2009 by demoting respondent no.2 to the post of Accountant. An F.I.R. No.190/2010 was registered on 29.06.2010 under Sections 420/468/471 read with Section 34 of Indian Penal Code, 1860 at P.S. Punjabi Bagh by the petitioner against respondent no.2, which is claimed to be still pending. Respondent no.2 is stated to have tendered his resignation on 04.08.2010. The Governing Body/Managing Committee of the petitioner accepted the resignation tendered by respondent no.2 in its meeting held on 20.08.2010 which also had a DE-nominee. It was also desired that respondent no.2 be called in person again to affirm his resignation before a Sub-Committee formed by the Governing Body of the petitioner on 26.08.2010. Respondent no.2 is stated to have appeared and reiterated the resignation tendered and requested release of all his dues at the earliest. As requested, a sum of Rs.1,95,726/- by way of a cheque was released to respondent no.2 on the same date and encashed too by respondent no.2.

38. The petitioner claims to have communicated the said acceptance of the resignation of respondent no.2 to the DoE by its letter dated 07.09.2010. Though the letter was received, the DoE sought the copy of the original resignation letter. By the letter dated 23.09.2010, the petitioner tendered a copy of the Minutes of the Meeting of the Governing Body



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dated 20.08.2010 as well as of the Sub-Committee dated 26.08.2010 alongwith the resignation letter of respondent no.2 to DoE, which acknowledged the receipt thereof by an endorsement on the said communication on 24.09.2010. The DoE yet again corresponded with the petitioner seeking copies of the Minutes of the Meeting of the Managing Committee accepting the resignation and the resignation letter. Though the said direction was already complied with, yet the petitioner sent another communication on 20.01.2011 enclosing therewith a copy of the Minutes of the Meeting dated 20.08.2010 and 26.08.2010 as well as the resignation letter of respondent no.2. This too was received by the DoE on 21.01.2011 which is clear from the endorsement at the bottom of such communication.

39. Thus, it is clear that the copy of Minutes of the Meeting of the Managing Committee of the petitioner alongwith the resignation letter of respondent no.2 were received by the DoE on 24.09.2010 and 20.01.2011, assuming it was not furnished under the cover of the letter dated 07.09.2010. At this stage, it is significant to consider that the DoE failed to issue any response within thirty (30) days as stipulated in Rule 114A of the Rules either to the letter dated 23.09.2010 or even 20.01.2011. It is pertinent to also bear in mind that even respondent no.2 did not tender any letter to the petitioner seeking withdrawal of his resignation, before the resignation was accepted on 20.08.2010 by the Managing Committee and reiterated by him on 26.08.2010 before the Sub-Committee. Infact, respondent no.2 had received a sum of Rs.1,95,726/- as full and final dues on account of Gratuity etc. on 26.08.2010. Even thereafter, respondent no.2 did not file a complaint or a representation with the DoE claiming coercion or force in extracting the resignation letter from him. Rather, this finds mention for the first time in the rejoinder affidavit filed by respondent no.2



in W.P.(C) 13566/2009, on 12.11.2010, which is almost 3 months after he received all his dues on 26.08.2010.

40. What is interesting is the fact that it is only once the DoE by its letter dated 10.01.2011 sought information from respondent no.2 as to whether he has any objection to acceptance of the resignation that for the first time, respondent no.2 by the letter dated 13.01.2011 intimated DoE that the resignation was forced/coerced from him by the petitioner school on the threat of arrest. It is further intriguing as to why the DoE waited till another two months to communicate its refusal to the acceptance of resignation of respondent no.2 by the petitioner, *vide* letter dated 23.03.2011. It is quite another story that the said letter is bereft of any reasons as to why DoE did not accord approval, which is not appreciated by this Court.

41. It would be worthwhile to also appreciate that the deeming fiction envisaged in Rule 114A of the Rules had already become effective much before the DoE communicated with respondent no.2 and thus, the response of respondent no.2 by the letter dated 13.01.2011 to the DoE is insignificant in the facts of the case.

42. Now applying the ratio laid down in *Nand Kishor (supra)* and *Urmil Sharma (supra)* of the learned Division Bench of this Court, the refusal/rejection by DoE by its letter dated 23.03.2011, to the communications dated 20.01.2011 or even 23.09.2010 of the petitioner is irrelevant and inconsequential.

43. Now coming to the impugned judgment of the learned DST, it is clear that the Tribunal lost sight of the law laid down by the learned Division Bench of this Court in *Nand Kishor (supra)*. The learned Tribunal misdirected itself in construing that there was no voluntariness in the resignation tendered by respondent no.2 as also in recording a finding that



the acceptance of resignation on 26.08.2010 by the Sub-Committee constituted by the Managing Committee is contrary to law on the premise that under Rule 114A of the Rules, it is the Managing Committee which alone is competent to accept the resignation.

44. The learned DST simply overlooked the fact that respondent no.2 himself did not withdraw his resignation tendered on 04.08.2010 at any time before its acceptance by the Managing Committee of the petitioner on 20.08.2010, nor did he lodge any protest either with the school authorities or even the DoE immediately after 26.08.2010 when he reiterated and reaffirmed his resignation before the Sub-Committee or anytime immediately subsequent thereto. In fact, respondent no.2 actually accepted his full and final dues on 26.08.2010, encashed it on the same day without any protest or demur. Records indicate that it was only after the DoE by its letter dated 10.01.2011 sought clarification, that the respondent no.2 by his letter dated 13.01.2011 stated that the resignation was not voluntary and was extracted by coercion. Thus, the finding recorded by the learned DST appears to be contrary to the record.

45. So far as the issue of the Sub-Committee not having any jurisdiction or authority in law *qua* Rule 114A of the Rules is concerned, possibly there cannot be any quarrel with that proposition. However, what the learned DST simply overlooked was that it was the Managing Committee of the petitioner comprising a nominee of the DoE as well to complete the proper quorum, who had accepted the resignation of respondent no.2 on 20.08.2010. For clarification, the Minutes of the Meeting dated 20.08.2010 of the Governing Body is reproduced hereunder:-

“Minutes of the Governing Body Meeting held on 20th August, 2010

xxx

xxx

xxx



5.) Mr. Layallpuri took up the next point on the agenda regarding the resignation of Accountant Babu Lal and LDC Princee Kaur. All the members felt that the resignation be accepted and at the same time they supported the Chairman when he voiced that it would have been better if the employees had given hand written resignations, written in his presence. S.Makkhan Singh felt that a 5-member committee comprising of the Chairman, Manager, Principal and 2 others viz. S. Makhan Singh & Major Joginder Singh, should be formed to resolve the matter. This was unanimously passed by all the members...”

46. It is clear from the perusal of the said Minutes that the Governing Body had unanimously accepted the resignation tendered by respondent no.2. However, they further agreed to receive handwritten resignations from the employees as desired by the Chairman of the Governing Body. It was in that context and for the satisfaction of the Chairman that a Sub-Committee comprising 5-Members was constituted. This Sub-Committee met on 26.08.2010 and the following Minutes were recorded:-

“SUB-COMMITTEE APPOINTED BY THE GOVERNING BODY OF GURU HARKISHAN PUBLIC SCHOOL, PUNJABI BAGH, NEW DELHI, VIDE ITS RESOLUTION NO.5 DATED 20TH AUGUST, 2010.

MINUTES OF THE SUB COMMITTEE, MEETING HELD AT THE SCHOOL PREMISES AT 13:00 HOURS ON 26TH AUGUST, 2010

The following members attended the meeting:

- | | |
|------------------------------------------------|------------------|
| <i>a) S Baldev Singh Ranibagh (Chairman)</i> | <i>President</i> |
| <i>b) Major Joginder Singh Koacher (Retd.)</i> | <i>Member</i> |
| <i>c) S Makhan Singh</i> | <i>Member</i> |
| <i>d) S Kuldeep Singh Lyallpuri (Manager)</i> | <i>Member</i> |
| <i>e) Mrs Reema Kaur Cheema (Principal)</i> | <i>Member</i> |

Mrs Cheema read out the minutes of the previous sub committee meeting and the same was unanimously confirmed and passed as correct. She also explained that holding of the current meeting had to be delayed for an hour and a half at the request of Sh Babu Lal.

Sh Babu Lal presented himself before the sub committee and he was shown his letter of resignation. Sh babu Lal confirmed that the said letter dated 04.08.2010 had been written by him. He had resigned from the post of Accountant, Guru Harkishan Public School, Punjabi Bagh, New Delhi of his own free will and desire without any pressure from any quarter. He also made an annotation to that effect on his original letter of resignation



in the presence of all the sub committee members. Witnessing of his annotation on his letter of resignation was carried out by all the members. He was also asked for the reason of his resignation. To which he indicated that he was stressed out and found it difficult to perform his duties properly.

Sh Babu Lal requested the sub committee to consider the following with a positive attitude and oblige:

- a) Accept his resignation immediately for his health and peace of mind.*
- b) To payout Gratuity and Leave Encashment dues today only because he was in dire need of funds.*

In view of the above, the sub committee unanimously decided to accept Accountant Sh. Babul Lal's resignation and directed the Principal to make the requisite payment for his Gratuity and Leave Encashment dues as soon as possible.

S Kuldeep Singh informed the members that Ms. Princee Kaur had been asked to present herself before the sub committee today. She was neither present nor had she bothered to give any information. The sub committee decided to give her another chance to appear before it at 11:30 AM on Monday the 30th Aug, 2010.

There being no other point the meeting was adjourned to be held again at the school premises at 11:30 hrs on 30th August, 2010.

*Jathedar Baldev Singh Rani Bagh
(CHAIRMAN)*

*S Kuldip Singh Layalpuri
(MANAGER)"*

A perusal of the above Minutes reveal that respondent no.2 had not only reiterated and reaffirmed his resignation letter dated 04.08.2010 but had also requested for release of his benefits accruable on resignation. This request was accepted and completed on the same day. Assuming everything was a fabricated story, there was no reason for respondent no.2 to go along and collect his dues. Moreover, the threat of arrest was not required to be extended by the petitioner, as FIR No.190/2010 was already registered against respondent no.2 under Sections 420/468/471 read with Section 34, IPC, 1860. Thus, the version of respondent no.2 is unpalatable.

47. Therefore, the acceptance of the resignation of respondent no.2 was resolved by the Managing Committee of the petitioner on 20.08.2010 and not the Sub-Committee on 26.08.2010.



48. The learned DST did not closely or clearly examine these facts and issues before recording incorrect findings.

49. So far as the issue of cancellation of the promotion of respondent no.2 *vide* office order dated 17.06.2009 is concerned, since that order/action merged into the resignation tendered by respondent no.2, acceptance of which by the petitioner is being upheld by this Court, as observed in the preceding paragraphs, no further orders are called for.

50. Mr. Ahluwalia, learned senior counsel for the petitioner school had also predicated his argument of the letter dated 23.03.2011 of the DoE, being otherwise ineffective in law for the reason that the petitioner school is a Minority School enlisted with the DoE as such. He had contended that once the petitioner is declared as a Minority Institution/School, the requirement or the mandate of seeking approval even under Rule 114A of the Rules would not apply to the petitioner. Thus, on that score too, he submitted that whether approval is granted or not by the DoE, would not be an impediment to the acceptance of a resignation tendered by any employee of a Minority School.

51. Though in the pleadings, the said statement has been mentioned as a fact however, no document in support thereof has been filed for this Court to peruse and consider. Moreover, since this Court has made its analysis and observations on other relevant aspects and considerations, no separate findings or observations are recorded in the context of the said argument. However, this Court deems it appropriate to leave the said issue open to be decided in a more appropriate case.

52. Accordingly, the present petition is allowed in view of the aforesaid observations.



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53. Resultantly, the impugned order dated 29.07.2015 of the learned Delhi School Tribunal passed in Appeal No.31/2013, captioned *Sh. Babu Lal vs. Guru Harikrishan Public School & Anr.*, is quashed and set aside.

54. Present writ petition is disposed of on above terms, alongwith pending applications. No order as to costs.

**TUSHAR RAO GEDELA
(JUDGE)**

FEBRUARY 23, 2026

Aj/kct