VERDICTUM.IN

2026:DHC:10169

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

Reserved on: 15th October, 2026
Pronounced on: 17th November, 2026
Uploaded on: 17th November, 2026

\# **CNR No. DLHC010725762025**

\+ W.P.(C) 14795/2025 & CM APPLs. 60823/2025, 66233/2025, 18976-18977/2026

DELHI TAMIL EDUCATION ASSOCIATION (REGD.)

....Petitioner

Through: Mr. Kartikeye Dang, Advocate.

versus

GOVERNMENT OF NCT OF DELHI & ANR.

....Respondents

Through: Mrs. Avnish Ahlawat, SC (GNCTD) with Mr. N.K. Singh, Ms. Aliza Alam, Mr. Mohnish Sehrawat & Ms. Ananya Saxena, Adv. for GNCTD.
Mr. Kartik Sharma, Mr. Manhan Chalwa and Ms. Pearl Sharma, Advocates for UOI.

\# **CNR No. DLHC010885062025**

\+ W.P.(C) 17099/2025 & CM APPL. 7938/2026

PARUL SINGH & ORS. ....Petitioner

Through: Ms. Diya Kapur, Senior Advocate with Mr. Naibedya Dash, Ms. Shruti Jain, Mr. Naman Singh, Mr. Anil Dalal, Mr. Sumit and Mr. Kshitiz, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS. ....Respondents

VERDICTUM.IN

Through: Mrs. Avnish Ahlawat, SC (GNCTD) with Mr. N.K. Singh, Ms. Aliza Alam, Mr. Mohnish Sehrawat & Ms. Ananya Saxena, Adv. for GNCTD.
Mr. Devvrat Yadav, Mr. Kartik Sharma, Mr. Manhan Chalwa and Ms. Pearl Sharma, Advocates for UOI. Mr. Kartikeye Dang, Adv. for R3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

1. Established in 1923 to promote the educational interests of Delhi's Tamil linguistic minority, the Delhi Tamil Education Association ["DTEA"] was registered as a society on 14th March, 1940. The Association administers seven recognised, government-aided minority schools which, it states, cater to nearly 7,000 students and employ approximately 400 teaching and non-teaching staff. The schools receive 95% grant-in-aid from the Government towards the salary expenditure of their staff. Their status as linguistic minority educational institutions protected under Article 30(1) of the Constitution is not in dispute.

2. These connected petitions arise from DTEA's recruitment of 100 teaching and non-teaching employees to its aided schools and the refusal of the Directorate of Education ["DoE"] to release grant-in-aid towards their salaries on the ground that the appointments suffer from various deficiencies. While DTEA in W.P.(C) 14795/2025 challenges the decision refusing grant-in-aid, the employees in W.P.(C) 17099/2025 seek payment of outstanding salaries, regular disbursement of future salaries, release of the requisite grant-in-aid and interest on delayed payments. The controversy thus raises questions concerning the management's autonomy in making appointments, the statutory conditions governing the release of public funds and the liability to remunerate employees for services rendered.

VERDICTUM.IN

Background

3. The present dispute is the sequel to an earlier round of litigation between DTEA and the DoE. By judgment dated 28th May, 2024 in W.P.(C) 15276/2023, this Court set aside the DoE's communication rejecting DTEA's request to fill vacant posts on the ground that its schools did not have Managing Committees. Having noted that DTEA's schools were aided linguistic minority schools, the Court held that DTEA was entitled to make appointments against vacant posts of Principals and teachers without prior approval of the DoE. The Court further held that the Selection Committees would be constituted in accordance with Rule 96(3)(a) of the Delhi School Education Rules, 1973 ["DSE Rules"] in the case of Principals and Rule 96(3)(b) in the case of teachers, with the role of the DoE's nominees restricted in terms of Rule 96(3-A).

4. The aforesaid judgment was affirmed by the Division Bench of this Court on 22nd July, 2024 in LPA 642/2024, which also bound DTEA to the statement made on its behalf regarding strict compliance with Rule 96(3). The Supreme Court dismissed the further challenge on 6th December, 2024 in SLP(C) 28295/2024. These proceedings thus did not impinge upon DTEA's authority to proceed with recruitment, subject to the prescribed selection procedure. They did not, however, examine the qualifications of the candidates subsequently appointed, nor determine their individual eligibility for grant-in-aid.

5. Pursuant to the judgment dated 28th May, 2024, DTEA advertised 107 vacancies across its 7 schools through 3 newspapers on 26th June, 2024. According to DTEA, 3,843 applications were received and scrutinised, and candidates were thereafter shortlisted and interviewed. Of the advertised vacancies, 100 were filled. These appointments comprise 4 Principals, 42 Assistant Teachers, 35 other teaching staff (including TGTs, PGTs, specialised teachers and Librarians), 12 clerical and laboratory employees, and 7 Peons and Malis.

6. DTEA asserts that, between April and May 2025, it forwarded the appointment

VERDICTUM.IN

dossiers to the respective Zonal Offices of the DoE, seeking release of grant-in-aid towards the salaries of the newly appointed employees. The DoE acknowledges receipt of the appointment files but maintains that the records and subsequent clarifications furnished by DTEA were incomplete or inadequate. Following further correspondence between the parties, this Court, by order dated 23rd September, 2025, directed the DoE to issue a comprehensive communication identifying specific deficiencies with reference to the governing law, release proportionate grant-in-aid in respect of appointments against which no discrepancy was raised, and take a final decision on the remaining appointments within the stipulated timelines. Pursuant thereto, the DoE communicated its objections on 1st October, 2025, to which DTEA furnished a response on 8th October, 2025. By order dated 4th November, 2025, the DoE rejected grant-in-aid for all 100 appointments.

7. The objections raised by the DoE principally concern the professional qualifications of Assistant Teachers. They also extend to the age, experience and educational qualifications prescribed for other posts, the availability of sanctioned vacancies, the permissible modes of recruitment, the constitution of Selection Committees, the process of shortlisting and assessment, verification of candidates' credentials and compliance with reservation requirements. While some objections concern the recruitment exercise as a whole, others relate to the eligibility or appointment of individual employees in particular schools.

8. The employees in W.P.(C) 17099/2025 state that they joined their respective posts pursuant to formal appointment letters but have received no salary. However, the appointment letter dated 16th January, 2025, placed on record, stipulates that salary would be paid only upon receipt of grant-in-aid from the DoE. It further provides that salary and allowances shall stand forfeited if the employee resigns during probation.

Principal Submissions of the Parties

9. Mr. Kartikeye Dang, counsel for DTEA, submits that the earlier judgments have recognised its right, as a linguistic minority institution, to appoint Principals and

VERDICTUM.IN

teachers without prior departmental approval, subject to the prescribed qualifications and selection procedure. The DoE, he contends, cannot use the grant-in-aid process to impose restrictions that it could not lawfully insist upon at the recruitment stage. He maintains that DTEA advertised the vacancies, scrutinised the applications and conducted selections through duly constituted Committees. Despite repeated requests, the DoE declined to nominate its representatives because it proposed to challenge the earlier judgments, although neither had been stayed. As regards Assistant Teachers, he relies upon the Recruitment Rules dated 24th February, 2022 and published on 4th March, 2022, which, according to DTEA, recognised B.Ed. as an eligible qualification subject to stipulated conditions. He argues that their subsequent rescission could not alter the eligibility criteria governing recruitment already commenced. He also disputes the objections concerning qualifications, experience and sanctioned vacancies for other teaching posts. Regarding clerical and laboratory posts, DTEA maintains that direct recruitment was undertaken because eligible candidates for promotion were unavailable. It further relies upon the post-fixation records to contest the objections concerning the appointment of Peons and Malis.

10. Ms. Diya Kapur, Senior Counsel appearing for the employees, supports DTEA's position on the legality of the recruitment, including the applicability of the 2022 notification. She submits that the employees joined pursuant to formal appointment letters and discharged their duties without receiving salaries, compelling some of them to resign. She relies upon Rule 98(4) of the DSE Rules and contends that the appointments stood approved in the absence of disapproval by the DoE within the prescribed period following statutory communication. The employees also invoke Section 10 of the Delhi School Education Act, 1973 ["DSE Act"], in support of their entitlement to salary and allowances in accordance with the statutory mandate. They further submit that the dispute between DTEA and the DoE over the release of grant-in-aid cannot deprive them of remuneration for services already rendered.

11. Mrs. Avnish Ahlawat, SC (GNCTD) appearing for the DoE, submits that the

VERDICTUM.IN

constitutional protection afforded to minority institutions does not exempt appointments for which public funds are sought from compliance with statutory recruitment requirements. The DoE relies upon the Recruitment Rules notified on 23rd January, 1989, which prescribe JBT/BTC qualifications for Assistant Teachers in aided schools. It contends that the 2022 notification applied only to recruitment in government schools and maintains that B.Ed. is not equivalent to the prescribed elementary-teacher training qualification. The DoE also questions the constitution of the Selection Committees, the shortlisting and assessment procedures, verification of candidates, compliance with reservation requirements and the completeness of the recruitment records. Its screening reports *inter alia* identify further deficiencies concerning qualifications, experience, age and sanctioned vacancies for teaching posts. In respect of non-teaching posts, the DoE raises objections concerning promotional avenues, typing requirements and restrictions on direct recruitment. According to the DoE, neither the minority status of the schools nor the services rendered by the appointees can oblige the State to finance appointments made in breach of mandatory recruitment requirements.

Governing Principles

12. Article 30(1) protects the right of a minority educational institution to establish and administer an institution of its choice. This right includes the freedom to appoint its teaching and non-teaching staff. The grant of State aid does not alter the nature or character of the minority institution or dilute its right to administer. The right is, however, not absolute and does not include the right to maladminister. The State may prescribe eligibility conditions and qualifications for appointment and impose regulations to ensure educational standards, academic excellence and the welfare of students and teachers. It may also impose conditions relevant to the proper utilisation of grant-in-aid, provided they do not involve a surrender of the institution's substantial right of management or otherwise impair its minority character. These principles emerge from ***T.M.A. Pai Foundation & Ors. v. State of Karnataka &***

VERDICTUM.IN

Ors.[1]; ***Secy., Malankara Syrian Catholic College v. T. Jose & Ors.***[2] and ***Sk. Mohd. Rafique v. Managing Committee, Contai Rahamania High Madrasah & Ors.***[3]. The respective spheres of the institution's managerial autonomy and the State's regulatory authority must, therefore, be recognised and preserved.

13. Section 8 DSE Act provides for the prescription of minimum qualifications and conditions of service. Section 10 *inter alia* regulates the payment of salaries and allowances in aided schools. The second proviso to Rule 98(2) DSE Rules dispenses with the requirement of approval for appointments in aided minority schools. It does not, however, dispense with the prescribed qualifications, the requirement of a sanctioned vacancy or other binding statutory requirements. Rule 66(2) excludes the pay of an unqualified teacher from admissible grant-in-aid, save where Rule 98(5) applies or the applicable exemption has been granted.

14. The management's authority to make appointments without prior departmental approval must be distinguished from the eligibility of those appointments for grant-in-aid. The former does not dispense with compliance with the statutory requirements governing recruitment and eligibility. At the same time, the department cannot, under the guise of examining eligibility for State aid, assume control over the management's choice of candidates or impose restrictions inconsistent with its rights under Article 30(1) of the Constitution. In ***Queen Mary's School v. UOI***[4], the Court examined, *inter alia*, Rules 47 and 64 of the DSE Rules and held that the provisions concerning absorption of surplus employees and conditions for grant of aid could not be applied in a manner that infringed the management rights of aided minority schools. The Court separately considered Rule 96 and held that minority aided schools were not bound to adopt the Selection Committee composition prescribed under the said Rule. The applicability of Rule 96 to minority aided schools and the extent of the DoE's

[1] (2002) 8 SCC 481.
[2] (2007) 1 SCC 386.
[3] (2020) 6 SCC 689.
[4] 2011 SCC OnLine Del 4884.

VERDICTUM.IN

regulatory authority over their recruitment have since been referred to a Larger Bench in ***Government of NCT of Delhi v. Raisina Bengali School***[5]. The reference does not, however, displace the specific directions issued in the earlier proceedings between DTEA and the DoE, which required DTEA to comply with Rule 96(3). The present recruitment requires examination in light of those directions.

15. The scrutiny of the individual objections must, therefore, focus on the legal requirement alleged to have been breached and the consequence prescribed for that breach. The absence of an essential qualification stands on a different footing from a document awaiting verification. Similarly, the existence of a sanctioned vacancy does not, by itself, establish that the post could be filled through direct recruitment. Nor can a defect in one appointment justify rejection of the others unless the DoE establishes that the irregularity extends to those appointments or affects the recruitment process as a whole. Each objection must accordingly be examined on its own merits.

Post-Wise Examination of Recruitment Objections

Assistant Teachers

16. The DoE objects to the appointment of Assistant Teachers possessing B.Ed. degrees but lacking the JBT/BTC qualification prescribed under the 1989 Recruitment Rules for aided schools. DTEA, however, relies upon the 2022 notification, which recognised graduation with B.Ed. as an eligible qualification, subject to stipulated conditions. The question therefore is whether the 2022 notification governed recruitment to DTEA's aided schools or whether the 1989 Recruitment Rules continued to apply.

17. Rule 100 DSE Rules provides that until separate rules specifying the minimum qualifications for teachers in schools, whether aided or not, are made, the qualifications for teachers in aided schools shall be those prescribed for corresponding

[5] LPA 372/2025, order dated 3rd February, 2026 (Delhi High Court).

VERDICTUM.IN

posts in Government schools. The DoE relies on the Recruitment Rules notified on 23rd January, 1989, bearing No. F.5/ADC/RR/AT/88/241-644 and circulated on 27th October, 1993, for the post of Assistant Teacher. Those Rules prescribe Higher/Senior Secondary or Intermediate qualification, together with study of Science and Mathematics up to Matriculation, and JBT/BTC. The JBT/BTC requirement is relaxable on the recommendation of the Selection Committee where the candidate possesses a higher teachers training qualification.

18. The notification dated 24th February, 2022 was issued under the proviso to Article 309 for recruitment to the post of Assistant Teacher (Primary) in the DoE. It expressly superseded the 2013 Recruitment Rules governing that post. It neither refers to nor purports to supersede the 1989 Recruitment Rules applicable to aided schools. Although the 2022 notification included a B.Ed. route among the prescribed qualifications, it was framed for recruitment to the DoE's own establishment and did not extend that route to recognised private aided schools. The two sets of Rules, thus, govern distinct services. The DoE itself continues to rely on the 1989 Rules as applicable to aided schools. Nothing placed on record establishes that those Rules were withdrawn or replaced.

19. The 2022 notification was withdrawn by a notification published in the Delhi Gazette Extraordinary on 15th October, 2024. This was after the vacancies had been advertised but before the Assistant Teacher Selection Committee met on 23rd November, 2024. The withdrawal notification was circulated on 28th October, 2024. This chronology, however, does not advance DTEA's case. The Supreme Court, in ***Tej Prakash Pathak & Ors. v. Rajasthan High Court & Ors.***[6], held that the eligibility criteria notified at the commencement of the recruitment process cannot be changed midway. This principle protects the eligibility criteria lawfully applicable to the recruitment from being altered after the process has commenced. It does not, however,

[6] (2025) 2 SCC 1.

VERDICTUM.IN

permit a recruiting body to rely upon a different set of Rules which did not govern the posts in the first place. Since the 2022 notification did not govern the Assistant Teacher posts in question, its subsequent withdrawal does not alter the applicable eligibility criteria.

20. This Court has considered the same 1989 Recruitment Rules in ***Divya Bhaskar & Anr. v. Govt. of NCT of Delhi & Anr***[7]. There, a government-aided school had initially advertised vacancies for Assistant Teachers, recognising JBT/ETT and Graduation with B.Ed. as alternative qualifications. It subsequently issued a corrigendum clarifying that candidates having only Graduation with B.Ed. would not be considered for the post. The DoE questioned the corrigendum, including on the ground that it had been issued without prior approval, and refused grant-in-aid for the teachers subsequently appointed. The Court held that B.Ed. was neither a qualification prescribed by the 1989 Rules nor a higher teachers training qualification permitting relaxation of the JBT/BTC requirement. It upheld the corrigendum and declared the appointments made pursuant to it valid, noting that the DoE's nominee had participated in the selection process and that the Selection Committee had proceeded without dissent. Grant-in-aid was consequently directed to be released. Although the applicability of the 1989 Rules was not in dispute in that case, their interpretation is relevant here. In *Divya Bhaskar*, the school excluded candidates possessing only Graduation with B.Ed., whereas DTEA relies upon the 2022 notification to justify the appointment of candidates possessing B.Ed. without the prescribed elementary-teacher training.

21. In ***P.M. Latha & Anr. v. State of Kerala & Ors.***[8] and ***Yogesh Kumar & Ors. v. Govt. of NCT, Delhi & Ors.***[9], the Supreme Court rejected the contention that B.Ed. is a higher qualification than TTC (Teacher's Training Certificate). It held that the

[7] 2024 SCC OnLine Del 7720.
[8] (2003) 3 SCC 541.
[9] (2003) 3 SCC 548.

VERDICTUM.IN

training imparted through B.Ed. equips candidates to teach classes above primary, whereas TTC imparts specialised training for teaching children at the primary level. ***Devesh Sharma v. UOI & Ors.***[10] reiterated this distinction and held that B.Ed. was not a qualification, much less a better or higher qualification, for teaching at the primary level. It accordingly upheld setting aside of the NCTE notification, which had introduced B.Ed. as an eligible qualification for primary teachers. Subsequently, in ***Navin Kumar & Ors. v. UOI & Ors.***[11], the Supreme Court clarified the limited protection available to B.Ed.-qualified candidates appointed before the date of decision in *Devesh Sharma* i.e., 11th August, 2023. That protection was confined to candidates who had been appointed without any condition imposed by a Court, were in regular employment and had been appointed pursuant to an advertisement which stipulated B.Ed. as a valid qualification. Mere selection or participation in the recruitment process did not suffice.

22. DTEA cannot also invoke the relaxation provision under the 1989 Recruitment Rules merely by describing B.Ed. as a higher teachers training qualification. Such qualification must satisfy the requirements as lawfully construed; the academic title alone is insufficient. Further, under Rule 97 DSE Rules, any recommendation of the Selection Committee to relax an essential qualification cannot be given effect to without the Director's prior approval. No such approved relaxation has been established on the record. The exemption from approval of appointments under Rule 98(2) does not extend to relaxation of essential qualifications under Rule 97.

23. DTEA's written submissions identify 39 selections through the B.Ed. route and 3 through the JBC/BTC route. The DoE's screening material, however, refers in places to 43 appointments and alleges that 42 candidates lack JBT/BTC. The appointment schedules and original merit sheet, rather than these inconsistent aggregate figures, must govern the individual exercise. Three appointees merit

[10] (2023) 18 SCC 339.
[11] 2024 SCC OnLine SC 2360.

VERDICTUM.IN

specific mention: S. Pinkala (R.K. Puram), V. Subramanya Siva (Mandir Marg) and V. Shamilee (Mandir Marg), whose names appear in the Senior Secondary/JBT candidates category of the merit sheet. Their exact qualifications, the recognition of the awarding institutions and their eligibility on the relevant date require verification. Mr. Subramanya Siva is stated to have resigned. That fact is relevant to the period of service, but not to the qualification required at the time of recruitment.

24. Thus, 1989 Recruitment Rules govern the appointment of Assistant Teachers in DTEA's aided schools. B.Ed., without the prescribed JBT/BTC qualification, does not satisfy the essential training requirement, nor can it be treated as a higher teachers training qualification for the purpose of relaxation. The protection recognised in *Navin Kumar* is confined to certain appointments made before 11th August, 2023, whereas DTEA commenced its recruitment in 2024. A qualification acquired subsequently cannot retrospectively satisfy the eligibility requirements governing recruitment. In the absence of the prescribed qualification or a lawful relaxation or exemption, an appointment founded upon B.Ed. cannot qualify for regular grant-in-aid merely because the candidate was selected, appointed or permitted to teach.

Principals

25. DTEA appointed four Principals through direct recruitment. The DoE questions both the method of recruitment and the eligibility of the appointees. The former objection is answered by the Division Bench decision in ***St. Anthony's Girls Sen. Sec. School & Ors. v. Govt. of N.C.T. of Delhi & Ors.***[12]. This Court struck down Column 8 of the impugned recruitment rules, which prescribed promotion, failing which direct recruitment, for the post of Principal. It held that the requirement impermissibly interfered with the minority management's right to choose the Head of the Institution. The Court clarified that the post was to be filled by selection from amongst persons who had offered their candidature, with the choice of candidate

[12] 2008 SCC OnLine Del 1174.

VERDICTUM.IN

remaining with the Selection Committee. DTEA was, therefore, not required to exhaust the promotional channel before resorting to direct recruitment. This autonomy, however, does not dispense with the prescribed qualifications, experience and other lawful conditions of eligibility.

26. The qualifications and experience prescribed for Principals in recognised private schools are governed by the 1980 Recruitment Rules, as amended in 1991. DTEA also relies upon the Government notification dated 30th January, 2023, prescribing an upper age limit of 50 years for the corresponding post in Government schools. Although that notification does not, by itself, amend the Recruitment Rules applicable to private schools, Rule 104 DSE Rules links the age limits for recruitment in recognised private schools to those prescribed for corresponding Government posts. The DoE cannot, therefore, reject an appointment by merely invoking the earlier limit of 45 years without considering the effect of Rule 104 and the subsequent notification. In ***St. Anthony's Girls Sr. Sec. School & Anr. v. Govt. of NCT of Delhi & Anr.***[13], this Court held that the prescribed age limit constitutes an essential qualification for appointment as Principal. It further held that the provision for relaxation under the recruitment rules must be read with Rule 97 DSE Rules. The competent authority is, therefore, required to examine a request for relaxation and pass a reasoned order. Any such relaxation must also satisfy the requirements of the governing Rules, including prior approval under Rule 97.

27. The DoE records that Ms. Karthika S.N. had 9 years, 11 months and 14 days of qualifying experience as on 16th July, 2024, after excluding the service rendered before she obtained her B.Ed. degree on 2nd August, 2014. DTEA, on the other hand, relies upon her teaching service from May 2014 to June 2024 at St. Thomas Mar Thoma Higher Secondary School and SMR National School. In ***B. Ramakichenin @ Balagandhi v. UOI & Ors.***[14], the Supreme Court considered whether the prescribed

[13] W.P.(C) 14149/2009, order dated 28th February, 2017 (Delhi High Court).
[14] (2008) 1 SCC 362.

VERDICTUM.IN

experience had to be acquired after obtaining the requisite educational qualification. It held that experience acquired after obtaining the degree could not, merely on that account, be treated as higher than experience acquired before it. In the absence of any such stipulation in the prescribed criteria, a requirement that the experience must follow acquisition of the degree could not be read into them. This principle was applied by this Court in ***Santosh Pal Meena v. UPSC & Ors.***[15], which concerned the reckoning of teaching experience for appointment as Principal. The Court held that the Recruitment Rules required an aggregate of ten years' teaching experience, along with the prescribed educational qualifications. Since the Rules did not stipulate that the experience must be acquired after obtaining the required degree, the respondents' interpretation to that effect was not borne out. The same principle applies here. Unless the Recruitment Rules governing the post expressly require the prescribed teaching experience to be acquired after obtaining B.Ed., the period preceding that cannot be excluded merely on that account. The nature, duration and admissibility of the service relied upon by Ms. Karthika S.N. must, however, be verified under the applicable Rules.

28. Ms. Yuvaranni S. relies principally on approximately 10 years' experience as an Assistant Professor in a college. The DoE, however, contends that the prescribed experience is 10 years as a TGT, PGT or Vice-Principal in a school. DTEA maintains that her experience as an Assistant Professor is higher in rank and academic content and cannot be treated as disqualifying. The question, however, is not whether college teaching is academically higher, but whether it satisfies the experience prescribed under the applicable Recruitment Rules. On the material presently relied upon, the prescribed experience has not been established. Her experience as an Assistant Professor, by itself, cannot be treated as a substitute for the experience specified under the Rules.

[15] 2014 SCC OnLine Del 3759.

VERDICTUM.IN

29. Ms. G.M. Prema's case turns principally on age. The DoE invokes the 45-year limit prescribed under the Recruitment Rules, while DTEA relies on the 2023 notification prescribing an upper age limit of 50 years for the corresponding Government post. The DoE cannot sustain the objection merely by invoking the 45-year limit. It must examine the issue in light of Rule 104 of the DSE Rules, and the principles set out above, with reference to her age on the closing date.

30. Ms. Sumathi M.'s case raises distinct questions concerning teaching experience claimed from 2009, degrees obtained during the period of service, discrepancies in the experience certificates and recognition of her Shiksha Visharad qualification. DTEA maintains that the subsequent acquisition of B.A. and B.Ed. degrees did not interrupt her earlier teaching experience and that the Shiksha Visharad qualification was recognised when obtained. The DoE disputes the nature, duration and authenticity of the claimed service and the recognition of that qualification. These issues require examination of the applicable Recruitment Rules and the original educational, employment and experience records.

31. The objections concerning the four Principal appointments do not raise a common issue. The challenge to the mode of recruitment fails in view of the law governing the autonomy of minority institutions to choose their Head. The remaining objections turn on the qualifications, age and experience prescribed under the applicable Recruitment Rules and must be examined separately in the case of each appointee. A finding in one case cannot determine another.

Other Teaching Posts and Librarians

32. The objections to the remaining TGTs, PGTs and Librarians concern both eligibility and proof of eligibility. Mr. J. Bharat Kumar, PGT (Biology), holds an M.Sc. described in the record as Plant Biology and Plant Biotechnology. The DoE relies on the Recruitment Rules which include Biotechnology among the prescribed Master's subjects, subject to the candidate having studied Botany and Zoology at graduation level. The question cannot be decided merely by comparing the

VERDICTUM.IN

nomenclature of the degree with the prescribed subjects. The DoE must examine the actual course and award and verify the subjects studied at graduation. It must also reconcile the conflicting entries in its own screening report, which records B.Ed. in the qualification column but alleges in the remarks that the candidate does not possess that qualification.

33. Ms. Divyanshi, PGT (Computer Science), relies upon an MCA and teaching experience at G.R. Memorial Sr. Sec. Public School. The Recruitment Rules notified on 3rd March, 2015 prescribe one year's teaching experience for the MCA route. The DoE has counted only the experience acquired after completion of her MCA and contends that she had 9 months of such experience by the closing date of 16th July, 2024. The question is whether the applicable Recruitment Rules require the experience to be acquired after obtaining the MCA. If they do not, the earlier teaching experience cannot be excluded merely because it preceded the degree. The total duration and nature of the experience must be verified from the original service records and the certificate issued by the school.

34. For Librarians, the Recruitment Rules dated 16th January, 2003 prescribe an academic qualification in Library Science and a separate requirement of library experience or the specified computer-application qualification. Ms. Divya relies on B.A., B.Lib. and M.Lib. degrees and university verification. The DoE must address those documents and the additional requirement instead of maintaining an unsupported assertion that she lacks a bachelor's degree. Mr. Suresh Krishna V. relies on B.Sc., an integrated Library Science qualification and a postgraduate diploma in Library Automation and Networking. Whether his diploma satisfies the separate computer-application alternative depends on its duration, content and any legally recognised equivalence. An advanced academic award does not automatically dispense with an independently prescribed qualification.

35. The DoE has also raised objections concerning NCTE recognition of the B.Ed. programmes completed by certain TGT and PGT appointees, including Ms. Akriti

VERDICTUM.IN

Dhama, Ms. Saloni Kaushik, Ms. Isha, Ms. Jyoti Dangi, Ms. Sweeti Tomar, Ms. Parul Singh and Mr. Vineet Kumar. DTEA contends that the B.Ed. degrees were verified by the respective universities and that the verification reports were supplied to the DoE. The two inquiries are distinct. Verification of a degree by the university which issued it does not, by itself, establish that the institution and the B.Ed. programme had NCTE recognition for the relevant academic session. The DoE must examine the recognition status of the institution and programme for the period in which each candidate pursued the course. Equally, the fact that a verification report was produced at a later stage does not, by itself, establish that recognition was absent when the degree was obtained.

36. Other objections concern vacancies rather than qualifications. Mr. Anmol Mehra's appointment as TGT (English) is questioned on the ground that the vacancy arose upon the promotion of Ms. C. Vijaylakshmi to PGT (English), which the DoE claims was not approved by the competent authority. DTEA states that the promotion took effect on 1st November, 2022, and that the proposal for pay fixation was submitted to the DoE on 25th April, 2023, but remained pending for want of a DoE nominee to the DPC. The promotion order, applicable procedure, service records and sanctioned strength must be examined to determine whether the promotion validly took effect and resulted in a vacancy. Pending pay fixation, by itself, does not establish that no vacancy arose. In the cases of Ms. Sakshi Chopra and Ms. Himanshi, appointed as TGTs (Computer Science), the DoE alleges that they were selected against vacancies advertised for TGTs (Natural Science). DTEA disputes this and relies on the advertisement dated 26th June, 2024, which it states included 7 vacancies for TGT (Computer Science). The advertisement, school-wise sanctioned strength, Selection Committee minutes and appointment orders must be examined to determine whether Computer Science vacancies were available and advertised. A clerical misdescription may be corrected, but recruitment against a vacancy advertised for a different subject cannot be sustained.

VERDICTUM.IN

37. The DoE also questions the appointments of Mr. Naman Sharma, TGT (Computer Science), and Mr. Chirag, TGT (Special Education), on the ground that the corresponding vacancies have not been established. DTEA maintains that both posts were sanctioned under the staffing assessment undertaken by the DoE for 2022-23. The DoE must therefore verify whether sanctioned vacancies existed in the respective schools on the dates of appointment, having regard to the 2022-23 staffing assessment and the relevant records. Its inability to ascertain a vacancy cannot, without examining those records, be treated as proof that no such vacancy existed. The verification must remain confined to the specific objections raised.

Clerical and Laboratory Appointments

38. Rule 102 prescribes for non-teaching employees the qualifications applicable to corresponding government-school posts. Rule 108 provides for filling aided-school vacancies by promotion or direct recruitment in accordance with the rules made by the Administrator. Rule 108, by itself, does not impose a universal preference for promotion. The applicable Recruitment Rules must establish the source of recruitment and any priority or quota. A departmental description of a post as "non-selection" cannot override the governing Recruitment Rules.

39. Five UDCs were recruited directly. The DoE contends that the posts were to be filled by promotion from the feeder cadre of LDCs, failing which by direct recruitment. It alleges that eligible LDCs, including one Mr. A. Sivaram, were available but were not considered. DTEA disputes this and states that no eligible candidate was available for promotion. Mr. Sivaram was appointed as an LDC on 11th March, 2022. His presence in the feeder cadre, by itself, does not establish that he satisfied the prescribed conditions for promotion on the relevant date. The applicable Recruitment Rules, qualifying service, seniority and consideration of eligible employees must be verified from the original records. DTEA also relies upon an earlier communication dated 20th September, 2017, issued by the DoE, which it states granted clearance for direct recruitment to a UDC post on account of the non-

VERDICTUM.IN

availability of a suitable candidate in the LDC feeder cadre. The scope of that communication must, however, be examined. It cannot, without more, be treated as a standing approval for the present recruitment.

40. Mr. Sivaram's appointment as Head Clerk has been questioned because he was serving as an LDC when he applied. The DoE alleges that he had neither obtained prior permission to apply nor submitted a technical resignation before joining. The record, however, contains DTEA's NOC dated 1st July, 2024 and Mr. Sivaram's technical resignation dated 21st March, 2025, submitted pursuant to the offer of appointment dated 19th March, 2025. The effect of these documents must be examined in the light of the applicable service rules. His existing employment, by itself, does not establish ineligibility. Any surviving objection must identify the specific rule allegedly breached. In the case of the other Head Clerk, Mr. Abhishon V., DTEA states that the degree verification from SRM University, Tamil Nadu, was received and placed on record. The DoE must examine that report. Non-production of verification at an earlier stage does not, by itself, establish that the degree is invalid.

41. The two LDCs, Ms. Anu Divya R. and Mr. R. Mahesh, are questioned for compliance with a typing requirement of 35 words per minute. DTEA refers to typing tests, including a sheet produced for Ms. Anu Divya. The contemporaneous tests and results must be examined separately. For the three Laboratory Assistants, Mr. Sachin, Mr. Annu Kumar and Mr. Sagar Sharma, the issue is whether direct recruitment could be resorted to before promotion. The DoE relies on Mr. K. Murugesan, a serving Peon; DTEA questions his promotional eligibility and appraisal record. Length of service is not, without the prescribed conditions being met, proof of eligibility for promotion. Neither side's assertion can substitute for the applicable Recruitment Rules and the relevant service records.

Peons and Malis

42. The seven Group-D appointments comprise 2 Peons and 5 Malis. The DoE describes the posts as abolished or recruitment as prohibited following

VERDICTUM.IN

implementation of the 6th Pay Commission recommendations. DTEA produces post-fixation records for 2022-23 reflecting sanctioned posts, including Mali posts. The departmental order dated 4th November, 2020 refers to a restriction on constituting committees for direct recruitment to Peon/Class-IV posts. It does not, by its terms, demonstrate abolition of every Peon or Mali post.

43. The existence of a sanctioned post does not confer an indefeasible right to fill it by direct recruitment. The State is competent to regulate or abolish posts as a matter of policy, having regard to financial constraints and administrative efficiency. In ***State of U.P. & Ors. v. Principal, Abhay Nandan Inter College & Ors.***[16], the Supreme Court, while considering a policy decision of the State of Uttar Pradesh, upheld the abolition of permanent Class-IV posts in aided institutions and the replacement of the method of appointment with outsourcing. It also held that an institution receiving aid must comply with the conditions attached to it and cannot insist upon aid on its own terms. However, that decision proceeded on the basis of an express policy decision incorporated in the applicable Regulations. The DoE must, therefore, identify the legal instrument by which the alleged restriction was imposed, its scope and period of operation, and establish whether it extends to the posts in question. It must also reconcile the asserted restriction with the post-fixation orders for 2022-23. The question is not merely whether the posts were sanctioned, but whether the applicable policy or Recruitment Rules permitted them to be filled in the manner adopted by DTEA.

Common Objections to the Recruitment Process

44. The DoE also alleges procedural defects which, if established, could affect appointments across categories. These objections require examination independent of the qualifications of individual appointees. They cannot be accepted merely because they are described in the DoE's screening reports as evidence of a pre-determined

[16] (2021) 15 SCC 600.

VERDICTUM.IN

recruitment exercise.

Constitution of Selection Committees

45. DTEA sought departmental nominees by communications dated 23rd August and 20th September, 2024. On 3rd October, 2024, the Deputy Director of Education, Zone VII, informed DTEA that the DoE proposed to challenge the Division Bench judgment and instructed that the recruitment be kept in abeyance, pending outcome of those proceedings. However, neither that judgment nor the Single Judge's judgment dated 28th May, 2024 had been stayed. The mere proposal to institute further proceedings, additionally, did not suspend their operation. Accordingly, where DTEA duly sought departmental nominees for a particular Selection Committee and afforded the DoE a reasonable opportunity to participate, the absence of departmental representatives attributable to the DoE's refusal or failure to act cannot, by itself, invalidate the selection. Whether these conditions stand satisfied in respect of each Selection Committee must be determined from the contemporaneous correspondence.

46. The aforesaid finding does not dispense with DTEA's obligation to constitute Selection Committees in accordance with the governing requirements. The earlier judgments expressly required compliance with Rule 96(3) DSE Rules, and the Division Bench bound DTEA to its undertaking to that effect. Rule 96(3-A) restricts the role of the specified departmental nominees to that of advisers, without voting rights or control over the selection. Rule 96(3-B), in turn, permits the Managing Committee of a minority school to determine the numerical strength of its Selection Committee. Neither provision dispenses with the other applicable requirements under Rule 96(3). The DoE's failure to nominate its representatives cannot be treated as a defect attributable to DTEA. Equally, it cannot excuse any independent deficiency in the constitution of the Committee.

47. The minutes dated 23rd November, 2024 record that the Assistant Teacher Selection Committee comprised the Chairman, two Educationists, a Professor of Tamil (Subject Expert) and the Principal of DTEA's Lodi Estate School. They

VERDICTUM.IN

establish that a common Committee met and made recommendations for 42 Assistant Teacher vacancies. They do not, however, establish compliance with Rule 96(3)(b) in respect of appointments across all 7 schools. The Rule requires the Head of the School to form part of the Selection Committee, besides the other members prescribed for the relevant category. The participation of the Principal of Lodi Estate School does not, by itself, establish compliance in respect of vacancies in the remaining schools. DTEA's centralised management may explain the common selection exercise, but cannot displace the requirements governing the Committee's composition. The DoE shall therefore verify compliance school-wise and post-wise, applying the findings in the preceding paragraphs and without reopening the legal consequence of its own failure to nominate representatives.

Assessment, Shortlisting and Verification

48. The DoE alleges that DTEA departed from its marking scheme dated 26th February, 2014, by awarding more than the prescribed five marks for the interview component. DTEA maintains that it followed the departmental scheme for all posts, except where no such scheme existed. In ***Kiran Jain v. Govt. of NCT of Delhi & Ors.***[17], the Division Bench held that, in the absence of a marking scheme/evaluation matrix prescribed under the DSE Rules, the DoE could not impose its marking scheme upon an aided minority institution. While the State may prescribe eligibility criteria for appointment, the selection and ranking of candidates who satisfy those criteria, and the manner of their assessment, fall within the rights of a minority institution under Article 30(1). The DoE cannot question the sufficiency or propriety of the selection process merely because the institution adopted its own evaluation matrix. Here, DTEA's resolution records its decision to follow the departmental marking scheme wherever one existed. The Assistant Teacher selection records separately account for award points and interview marks. The dispute as to whether DTEA

[17] 2023 SCC OnLine Del 6353.

VERDICTUM.IN

exceeded the prescribed five-mark limit may be examined with reference to the contemporaneous selection records. Such scrutiny, however, cannot extend to reassessing the merits or ranking of otherwise eligible candidates.

49. The DoE also questions the shortlisting and interview process for Assistant Teachers. The Selection Committee's minutes record 477 applications, of which 53 candidates were found eligible, 52 appeared for interview and 42 were selected. These figures do not, by themselves, establish a pre-determined selection, particularly when no prescribed ratio of candidates to vacancies has been identified. Although the DoE alleges that interview notices were issued on 22nd November, 2024 for interviews the following day, 52 of the 53 shortlisted candidates attended. Any finding of unfair exclusion or inadequate notice must therefore rest on specific evidence showing that an eligible candidate was denied a fair opportunity.

50. DTEA has produced newspaper advertisements dated 26th June, 2024. Any objection founded upon the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 must identify the applicable duty and breach. Section 4(4) distinguishes an obligation to notify a vacancy from an obligation to recruit through the Exchange. Even a breach of the former does not, without a further legal basis, automatically nullify every subsequent appointment.

51. The DoE also questions medical examinations and police verification undertaken before formal appointment letters were issued, as well as certificates obtained outside Delhi. Rule 106(2) requires a candidate selected for appointment to furnish medical fitness and character certificates from the prescribed sources. It does not require a formal appointment letter to precede these formalities, nor does it restrict compliant certificates to those issued in Delhi. Verification undertaken after selection but before issuance of the appointment letter cannot, by itself, establish that the selection was pre-determined. The DoE may nevertheless examine whether the certificates satisfy the applicable requirements and whether the dates of selection, communication and verification are consistent with the original records. Any

VERDICTUM.IN

allegation of manipulation must be supported by specific evidence.

52. The DoE also alleges non-compliance with the requirement of 4% reservation for persons with benchmark disabilities. Section 34 of the Rights of Persons with Disabilities Act, 2016, read with Section 2(k), extends to bodies aided by the Government. DTEA's minority status does not, by itself, confer an exemption from the statutory requirement. The advertisement dated 26th June, 2024, however, expressly reserved one vacancy each for TGT (Tamil), Librarian and Assistant Teacher for persons with disabilities. Whether this satisfied the statutory requirement must be determined with reference to the cadre strength in each group of posts and the applicable vacancy-based rosters, in accordance with Rule 15 of the Delhi Rights of Persons with Disabilities Rules, 2018. Although the DoE alleges non-compliance across Groups A, B and C, the material placed before the Court does not disclose the cadre-wise calculation or roster position supporting that allegation, or identify any particular appointment made against a vacancy required to be reserved. The general allegation cannot, therefore, justify rejection of all 100 appointments. Any established deficiency must be addressed in accordance with the Act and Rules, after hearing the affected parties.

Communication of Appointments and Deemed Approval under Rule 98

53. Rule 98(3) DSE Rules requires particulars of every appointment in an aided school to be communicated to the Director within 7 days, by registered post with acknowledgement due or through a messenger against acknowledgement. Under Rule 98(4), an appointment is deemed approved if disapproval is not conveyed within 15 days of such communication, with consequential entitlement to salary and allowances from the date of appointment. DTEA relies upon communications dated 16th November, 2024 and 3rd April, 2025, besides subsequent recruitment dossiers. The former communication preceded several selections, while the latter followed appointments made on different dates. Their legal effect cannot be determined from these dates alone. The contents, mode of transmission, proof of receipt and any timely

VERDICTUM.IN

disapproval must be examined in relation to each appointment. A general intimation of proposed recruitment cannot, without more, be equated with communication of the particulars of persons actually selected.

54. The scope and purpose of Rule 98(4) have been considered by this Court in ***Promila Dixit v. Govt. of NCT of Delhi & Ors***[18]. The Court explained that the provision protects employees from belated approval or rejection by the Director and ensures certainty regarding the continuity of their employment. It held that where the particulars of an appointment have been communicated and the Director does not respond within 15 days, the statutory fiction of deemed approval must be given full effect. The Division Bench, in ***Binu Chaudhary v. Lt. Governor of Delhi & Ors.***[19], however, clarified that, for Rule 98(4) to apply, the recommendation of the Selection Committee and the appointment of the candidate must conform to the applicable Rules. In that case, deemed approval could not operate because the previous approval required under Rule 97 for relaxation of an essential qualification had not been obtained.

55. DTEA has also relied upon ***Delhi Tamil Education Assn. v. DoE***[20]. There, this Court noted that the nominees of the Director had participated in the selection process and signed the minutes without recording any dissent or disagreement. The particulars of the selected candidates had also admittedly been received by the Director. No disapproval was communicated within 15 days of such receipt. The Court accordingly held that, even assuming that approval of the Director was required, it would be deemed to have been granted under Rule 98(4). It further held that the teachers were entitled to their salaries and allowances from the date of appointment. The present case, however, is distinguishable. Unlike that case, communication of the particulars of the appointees in the manner prescribed by Rule 98(3) is itself disputed. The

[18] 2010 SCC OnLine Del 4156.
[19] 2016 SCC OnLine Del 1651.
[20] 2008 SCC OnLine Del 1035.

VERDICTUM.IN

compliance of several appointees with the essential qualifications is also in issue. Further, the effect of Rule 98(4) must be considered alongside Rule 66(2), which excludes the pay of an unqualified teacher from the assessment of grant-in-aid, save as provided under Rule 98(5) or where the Director grants an exemption. Deemed approval under Rule 98(4) cannot, by itself, dispense with that separate requirement.

56. The questions arising under Rule 98 must also be examined in the context of the broader documentary record concerning the recruitment process. DTEA maintains that it sought departmental nominees and subsequently furnished selection proceedings, appointment particulars and dossiers seeking grant-in-aid. The DoE disputes the receipt or completeness of these records. Although the departmental screening reports show that some material was examined, they do not conclusively establish what was received, by which office, and when. The distinction is material. Requests for departmental nominations concern Rule 96; communication of appointments attracts Rule 98; and submission of recruitment dossiers enables scrutiny of grant-in-aid. These matters require examination of the contemporaneous correspondence, acknowledgements and departmental records. Neither an assertion of compliance nor a denial of receipt can substitute for that exercise.

Scope of Individual Verification and Effect of the Impugned Order

57. The employee-wise screening reports, objections, replies and supporting documents placed before the Court identify the areas of dispute but do not resolve the contested facts. This judgment settles the questions of law common to the recruitment exercise. Whether an individual appointment satisfies the applicable legal standards must be determined from the original recruitment and service records relating to that appointee. That examination falls, in the first instance, within the DoE's statutory responsibility when deciding the admissibility of grant-in-aid. It would also not be appropriate for this Court to choose between rival compilations in place of that exercise. The DoE must therefore undertake appointment-wise scrutiny in accordance with the findings recorded above.

VERDICTUM.IN

58. The order dated 4th November, 2025, however, treats objections of differing character and consequence as sufficient to reject all 100 appointments. Such a collective conclusion cannot be sustained, even though some individual objections may justify refusal of grant-in-aid. The impugned order is, accordingly, set aside. The DoE shall make separate, reasoned determinations on the individual records after affording the concerned appointees an opportunity to answer any specific adverse material. Those determinations must proceed on the basis that this judgment neither validates every appointment nor establishes an unconditional entitlement to grant-in-aid. Questions of law settled herein shall not be reopened.

Remuneration for Services Rendered

59. The employees' claim for remuneration raises a separate question. The fact that they have worked and may face hardship does not, by itself, create an obligation on the State to bear the financial burden of appointments which do not satisfy the statutory requirements for grant-in-aid. In ***Government of A.P. & Ors. v. K. Brahmanandam & Ors.***[21], the Supreme Court held that the State's liability to pay salary to teachers appointed in recognised schools arises where the statutory requirements governing their appointments are complied with. Where the right to salary arises under a contract between the appointee and the institution, the liability rests with the institution, subject to its right to seek reimbursement from the State in accordance with the applicable law. The Court further held that, even in the absence of a valid contract, teachers who had rendered services were entitled to remuneration from the school authorities under Section 70 of the Indian Contract Act, 1872. The distinction is therefore between the State's liability to fund the appointments under the governing statutory framework and the liability, if any, of the institution which engaged the employees to remunerate them for services actually rendered. The former must be determined under the applicable grant-in-aid provisions, while the latter must

[21] (2008) 5 SCC 241.

VERDICTUM.IN

be examined with reference to the appointment terms, the services rendered and the applicable law.

60. Section 10 of the DSE Act governs salary and benefits in recognised private schools and the statutory disbursement mechanism for aided schools. The clauses in DTEA's appointment letters postponing salary until receipt of grant-in-aid cannot be read as extinguishing its independent liability, if established, for services received. Nor can a stipulation concerning resignation during probation effect a forfeiture of remuneration already earned. The amount recoverable, the period actually worked, any payments made and the applicable remuneration may nevertheless differ from employee to employee. Those facts have not been conclusively established in these petitions. A general award of arrears or interest against the State or DTEA, without determining those matters and the legal basis of liability, would be unwarranted.

Conclusion and Directions

61. For the reasons recorded above, the DoE shall examine afresh the admissibility of grant-in-aid in respect of the individual appointments, in accordance with the following directions:

a. Within two weeks from the date of pronouncement of this judgment, DTEA shall furnish an indexed, employee-wise statement identifying, for each appointment, the school, post, sanctioned vacancy, applicable Recruitment Rules, prescribed and possessed qualifications, relevant experience, dates of selection, appointment and joining, period of actual service, salary paid, if any, and particulars of resignation or cessation of service. The statement shall also identify the communications relied upon under Rule 98(3) DSE Rules, along with supporting acknowledgements. Documents already furnished may be identified by reference to the existing record and need not be submitted afresh.

b. Within one week from the date of pronouncement, the Director of Education shall designate an officer not below the rank of Additional Director, who was not associated with the impugned decision, to undertake the fresh examination. The

VERDICTUM.IN

officer may be assisted by other officials but shall remain responsible for the individual determinations. The existing screening reports, DTEA's responses and the records already furnished shall form the basis of the exercise.

c. Within two weeks of receiving DTEA's statement, the designated officer shall reconcile the documents identified therein with the records of the concerned departmental offices, including correspondence, acknowledgements, inward registers and electronic records. The officer shall thereafter issue a single deficiency statement identifying, separately for each appointment, the outstanding objections and documents, if any, that remain to be furnished. Any dispute regarding receipt of a document shall be examined with reference to the relevant departmental records. DTEA shall have one week to furnish the required material or proof of its earlier submission. Documents produced at this stage may establish facts existing on the relevant date. Their production shall not, by itself, establish timely communication under Rule 98(3) DSE Rules.

d. Before sustaining any objection, the designated officer shall identify the applicable statutory provision, the precise deficiency and the material supporting it, and afford DTEA and the employee concerned a reasonable opportunity to respond. A personal hearing shall be afforded wherever necessary to resolve a material factual dispute. If a specifically required document is not furnished despite reasonable opportunity, the officer may decide the matter on the available record, while recording the omission and its legal consequence. The exercise shall not extend to a general reopening of the recruitment process. Nor shall successive requisitions be issued in respect of matters already sufficiently addressed.

e. The legal findings recorded in this judgment shall govern the fresh examination. In particular, the DoE shall apply the findings concerning the Recruitment Rules applicable to Assistant Teachers, the insufficiency of B.Ed. alone to satisfy the prescribed qualification, the rights of aided minority institutions, the constitution of Selection Committees and the legal consequences of the DoE's failure

VERDICTUM.IN

to nominate its representatives. The remaining appointments shall be examined under the Recruitment Rules applicable to the respective posts. The effect of communication and deemed approval under Rule 98 shall be determined wherever raised, consistently with the statutory requirements governing grant-in-aid. An objection rejected in principle by this Court shall not be revived. This shall not preclude consideration of an independent statutory deficiency affecting an individual appointment.

f. The entire exercise shall be completed within twelve weeks from the date of pronouncement. The designated officer shall pass a separate, reasoned order for each employee, identifying the applicable requirements, the material examined, the findings on compliance and the resulting entitlement, or otherwise, to grant-in-aid. Where grant-in-aid is admissible, the period for which it is payable shall also be specified. Common legal findings may be incorporated by reference, but a consolidated rejection shall not suffice. Each order shall be communicated to DTEA and the employee concerned within three working days of its issuance. Appointments against which no sustainable objection remains shall be decided without awaiting completion of the examination of the other appointments.

g. Where an appointment is found eligible for grant-in-aid, the DoE shall determine the admissible salary and allowances, including arrears for the verified period of service, and arrange disbursement of its 95% share through the prescribed statutory mechanism within four weeks of the individual determination. DTEA shall deposit its corresponding share in accordance with Section 10(2) DSE Act. Any default in depositing that share shall be dealt with under the applicable provisions. Where the employee continues in service, future salaries shall thereafter be disbursed regularly, in accordance with law. Resignation shall not, by itself, defeat the claim to arrears otherwise admissible for services rendered before resignation.

h. Where grant-in-aid is refused, the determination shall be confined to the State's liability to provide aid. It shall not, by itself, terminate the employment or extinguish the employee's claim against DTEA for remuneration for services actually rendered.

VERDICTUM.IN

DTEA's liability in this regard shall be governed by the applicable law, including the principles recognised in *K. Brahmanandam*. Within four weeks of the individual determination, DTEA shall furnish the employee concerned an authenticated statement of service, payments made and remuneration claimed to be payable, and discharge any undisputed liability. Claims involving disputed amounts, interest or other consequential relief may be pursued before the appropriate forum. Any action concerning an appointment found ineligible shall be taken separately and in accordance with the prescribed procedure.

i. Any party aggrieved by an individual determination shall be at liberty to pursue the remedies available in law. Questions of fact and consequential monetary claims not decided in this judgment shall remain open. Nothing in these directions shall require an additional departmental representation as a condition for seeking appropriate relief, unless mandated by law.

62. The Court has not adjudicated the dispute concerning DTEA's internal management or the authority of its competing office-bearers, including the claim raised in the application for impleadment (CM APPL. 18976/2026). The DoE shall proceed on the available material where records are not furnished despite reasonable opportunity, recording the consequence in its determination concerning the affected appointment.

63. Both petitions are partly allowed in the aforesaid terms. Pending applications, if any, shall stand disposed of.

SANJEEV NARULA, J

NOVEMBER 17, 2026/as