

2018 SCC OnLine Del 11892

In the High Court of Delhi at New Delhi  
(BEFORE G.S. SISTANI AND SANGITA DHINGRA SEHGAL, JJ.)

Sandhya Bindal ... Appellant;

*Versus*

Govt. of NCT of Delhi and Others ... Respondents.

LPA.578/2017

Decided on October 12, 2018

Advocates who appeared in this case :

Mr. Randhir Jain and Mr. Bhoop Singh, Advocates

Mr. Ramesh Singh, Standing Counsel with Ms. Nidhi Raman, Advocates for respondents no. 1 to 3 along with Ms. Sangeeta Deswal, DEO, Zone 16.

Mr. Atul Jain, Advocate for respondent no. 4.

The Judgment of the Court was delivered by

G.S. SISTANI, J. (Oral):— The appellant herein had filed a writ petition, seeking the following prayers:

- "i) a writ of certiorari quashing the order dated 20.05.2017 issued by respondent no. 3;
- ii) issue a writ of mandamus directing the respondents to not to take any action in pursuance of impugned order dated 20.07.2017;
- iii) pass any such other orders as it may deem fit to this Hon'ble Court in the facts and circumstances of the case."

2. The writ petition was dismissed by a learned Single Judge of this Court by an order dated 26.07.2017, which has led to the filing of the present appeal.

3. Some necessary facts which are required to be noticed for the disposal of the present appeal are that the appellant was appointed as a PGT(Chemistry) in the respondent no. 4 School in the year 2000. After 14 years of rendering service, the appellant was appointed as an Officiating Principal. The appellant claims to be a meritorious officer having been awarded various prestigious awards. She was promoted as Principal of the School on 22.09.2016. The appellant was aggrieved by an order dated 20.07.2017 passed by the Directorate of Education directing the management of respondent no. 4 School to take immediate action against her under Rules 115 and 117 of the Delhi School Education Act and Rules, 1973 for having committed breach of the code of conduct. Challenge in the writ petition was to this communication dated 20.07.2017 issued by the Directorate of

Education.

4. We may also note that during the pendency of the writ petition, the appellant is stated to have been suspended and this order of suspension was also placed on record before the learned Single Judge. It is informed by the counsel for the respondent that initially Shri. Amar Nath, ADJ(Retd.) was appointed as an Inquiry Officer, however, the officer resigned as he had to undergo a kidney transplant. We are informed by the learned counsels for the parties that another Inquiry Officer, Shri. S.C. Rajan, former ADJ, has been appointed. Notice was served upon the appellant on 01.03.2018 by the Inquiry Officer and the Inquiry Officer is proceeding with the matter.

5. Since the Inquiry Officer has been appointed and the inquiry is underway, the appellant does not the press the present appeal. Mr. Jain, learned counsel for the appellant, however, submits that a direction be issued to the Inquiry Officer to conclude the inquiry expeditiously. Counsel for the respondent has no objection to the same, however, he submits that the appellant be directed to co-operate with the completion of the inquiry.

6. In view of the stand taken by the learned counsel for the appellant, the appeal is dismissed as withdrawn.

7. We request the Inquiry Officer to complete the inquiry within four months. It would be open to the appellant, as prayed, to raise all grounds as available to him in accordance with law before the Inquiry Officer, including the grounds raised in the present appeal.

CMs. APPL 31867/2017 & 31868/2017

8. The applications stand disposed of in view of the orders passed in the appeal.

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