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

+ W.P.(C) 3664/2016

RAISINA BENGALI SCHOOL Petitioner
Through: Mr.Arvind Kr. Gupta, Adv.

versus

GOVT OF NCT OF DELHI AND ORS Respondents
Through: Mr.Siddharth Dutta, Adv. for R-1 to
4.

CORAM:
HON'BLE MR. JUSTICE V.P.VAISH

ORDER
% **02.05.2016**
CM No.15691/2016

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3664/2016 & CM No.15690/2016

The petitioner has impugned order dated 21.04.2016 issued by Regional Director of Education (South), New Delhi.

Learned counsel for the petitioner submits that respondent No.5, Mr.Subrata Sen retired on 30.03.2016. Learned counsel for the petitioner further submits that the petitioner-school in its meeting held on 20.02.2016 recommended the name of respondent No.5 for re-employment for the post of Principal till he attains the age of 62 years in accordance with the guidelines issued by Director of Education, Government of NCT OF Delhi. The said recommendation has been

rejected by respondent No.2 on the ground that respondent No.5 lacks professional fitness as major penalty of dismissal was imposed on respondent No.5 by old SMC on the ground of huge embezzlement of money and misconduct and in spite of repeated instruction of Director of Education were not implemented by the school.

Learned counsel for the petitioner submits that no penalty was imposed on the petitioner.

Mr.Siddharth Dutta, Advocate appearing on behalf of respondent Nos.1 to 4 on advance notice submits that in case the petitioner makes a representation, the same will be decided within a period of two weeks.

After some arguments, Mr.Arvind Kumar Gupta, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to makes a representation with respondent Nos.2 to 4.

As prayed, the petition is dismissed as withdrawn. However, it is made clear that in case petitioner makes any representation to respondent Nos.2 to 4, the same shall be decided within a period of two weeks from the date of receiving the representation and the decision thereof shall be communicated to the petitioner within one week thereafter.

DASTI.

V.P.VAISH, J

MAY 02, 2016/gm