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

+ W.P.(C) 8748/2014

SUSHMA ARORA

..... Petitioner

Through Mr. Sarvesh Bisaria and Mr. Prakash Chandra,
Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through Ms. Isha Khanna and Ms. Nidhi Raman,
Advocates for R 1 and 2.

Mr. S. Munjal and Ms. Indu Garg, Advocates for
R 3 and 4.

Mr. D. S. Kanwar, DEO, Zone 21.

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

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31.03.2016

WP(C) No.8748/2014 & CM Appln. No.11941/2016

Whilst issuing notice in this matter on 10.12.2014, this Court, *inter alia*, noted the contention of counsel for the petitioner to the effect that Rule 118 of the Delhi School Education Rules postulates that a disciplinary committee in respect of every recognized private school shall consist of five persons as specified in the said Rule, whereas in the instant case, the Disciplinary Committee constituted by the respondent school did not have any nominee of the Director of Education. This fact was also affirmed by the Director of Education in the reply to the show cause notice.

Counsel for the applicants submits that by this application respondents 3 and 4, i.e., the school management, have expressed their intention to withdraw the impugned charge sheet dated 03.09.2014 since, in their opinion also, the

same is defective, which defect has been caused due to an oversight; and further that with a view to avoiding any allegations of *malafide* in withdrawing the instant charge sheet the applicants also wish to make it clear that they are reserving their right to issue any fresh charge sheet after complying with all requirements of the Delhi School Education Rules as well as applicable statutes and law in case they are so advised in the matter.

Counsel for the petitioner / non applicant accepts notice in this application and states that he has no objection to the withdrawal of the impugned charge-sheet as contemplated whilst reserving his right to take all appropriate remedies as may be available to him in law in case any further cause of action is afforded to his client by any action of the respondents.

Consequently, and as prayed, the impugned charge-sheet is deemed to be withdrawn by respondents 3 and 4. It is also made clear that apart from the aforesaid shortcoming in the impugned charge sheet dated 03.09.2014, no other aspect of the matter has been gone into or examined by this Court; and no opinion has been expressed in that behalf by this Court.

The petition as well as the application stand disposed off on the aforesaid statement of counsel for respondents 3 and 4.

All interim orders stand vacated.

CM Appln. No.20098/2014

Since the main petition has been disposed off, this application does not survive and is disposed off as such.

SUDERSHAN KUMAR MISRA, J

MARCH 31, 2016
dr