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

+ W.P.(C) 10784/2016 and C.M. Nos.42240/2016 (stay) & 42241/2016
(exemption)

SHRI SWAMINATH

..... Petitioner

Through: Mr. S.K. Pandey, Advocate.

versus

DIRECTOR OF EDUCATION & ORS

..... Respondents

Through: Mr. Siddharth Dias, Advocate for
respondent Nos.2 and 3.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **24.11.2016**

1. This writ petition challenges the departmental proceedings initiated against the petitioner at the initial stage of issuance of the charge-sheet. Departmental proceedings at the stage of issuance of the charge-sheet are not interfered because the charged official will have adequate opportunity during the course of departmental proceedings to rebut the charges, including by leading evidence. This legal position has been consistently laid down by the Supreme Court and which judgments have been referred to by this Court in the case of **Ryan**

International School Employees Welfare Association & Ors. Vs. Director of Education & Ors. in W.P.(C) No.3128/2011 decided on 12.8.2013.

2. At this stage, counsel for the petitioner states that the writ petition be allowed to be withdrawn with liberty to the petitioner to urge all grounds of facts and law as stated in this writ petition before the departmental authority.

3. Accordingly, this writ petition is allowed to be withdrawn with the aforesaid liberty and also observing that in case the petitioner has any fresh cause of action to approach the Court, then, the petitioner, of course in accordance with law, can file appropriate proceedings.

4. The writ petition and all pending applications are accordingly disposed of.

VALMIKI J. MEHTA, J

NOVEMBER 24, 2016

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