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

+ LPA 284/2017 & C.M. APPL. No. 14626/2017 (Stay)

SUMANA RAKSHIT

..... Appellant

Through: Ms. Indrani Ghosh, Advocate.
Ms. Sumana Rakshit, appellant in
person.

versus

CAMBRIDGE SCHOOL SRINIWASPURI & ANR..... Respondents

Through: Mr. Rajat Aneja, Advocate and Ms.
Nisha Sharma, Advocate for R-1.
Mr. Santosh Kumar Tripathi, ASC
with Mr. Rizwan, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **02.11.2017**

C.M. APPL. No. 39059/2017 (Condonation of Delay)

The present application under Section 151 of the Code of Civil Procedure, 1908, filed on behalf of the applicant/appellant, seeks condonation of 66 days delay in filing the rejoinder to the counter affidavit filed on behalf of respondent No. 1.

Notice.

Mr. Rajat Aneja and Mr. Santosh Kumar Tripathi, learned counsel accept notice on behalf of non-applicants/respondents and fairly do not oppose the application.

In view of the foregoing and for the reasons stated in the application, the same is allowed. The delay of 66 days in filing the rejoinder to the counter affidavit filed on behalf of respondent No.1 is condoned. The rejoinder is taken on record.

The application is disposed off accordingly.

LPA 284/2017

The present appeal under Clause 10 of the Letters Patent assails the judgment and order dated 28th March, 2017 rendered by a Single Bench of this Court in WP (C) No. 2766/2017 to the extent that although the petitioner was granted the first relief of re-employment upto the 30th April, 2017, she was simultaneously held disentitled to the second relief of consideration for re-employment upto 62 years of age, in view of the judgment of a Division Bench of this Court in LPA 592/2013 titled as '*MI Hussain &Anr. Vs. Director of Education & Anr.*'

Our attention has been invited by the learned counsel appearing on behalf of the parties to the counter-affidavit filed on behalf of the Cambridge School, Sriniwaspuri /respondent No. 1, herein, dated 30th June, 2017; and in particular Annexure R3 thereof.

Ms. Indrani Ghosh, learned counsel appearing on behalf of the appellant states that subsequent to the rendering of the impugned judgment dated 28th March, 2017, it appears that the respondent No. 1 has, in fact, considered the appellant's application for re-employment/extension upto 62 years of age, in its meeting held on 27th March, 2017 at 2:30 pm; and rejected the same for reasons stated detailed in paragraph 11 of the minutes of the said meeting dated 27th March, 2017.

In view of the foregoing, Ms. Indrani Ghosh seeks leave to withdraw the present appeal, in order to assail the correctness of the decision rejecting her application for re-employment/extension, as recorded in the minutes of the said meeting dated 27th March, 2017, in accordance with law.

The appeal is accordingly dismissed as withdrawn, whilst reserving liberty as prayed.

Needless to state that this Bench has not considered the merits of the submissions made on behalf of the appellant and the present order has been rendered without prejudice to the rights and contentions of the parties in this behalf.

SIDDHARTH MRIDUL, J

DEEPA SHARMA, J

NOVEMBER 02, 2017

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