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

+ LPA 422/2017

DHARAMVIR SINGH

..... Appellant

Through: Ms. Sonia A. Menon & Mr. Himanshu
Saini, Advocates.

versus

S L S DAV PUBLIC SCHOOL & ORS

..... Respondents

Through: Mr. Shiva Sharma, Advocate for
respondent No.2/ DOE/ GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

31.05.2017

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C.M. Nos.21696-697/2017

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

C.M. No.21698/2017

The delay in re-filing is condoned.

The application stands disposed of.

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The appellant has preferred the present Letters Patent Appeal to assail the order dated 08.03.2017 passed by the learned Single Judge in W.P. (C) No.7560/2010, whereby the said writ petition of the appellant had been dismissed.

The appellant had assailed the order passed by the Delhi School

Tribunal (DST) on 06.08.2010, whereby the appellant's statutory appeal before the said Tribunal against his termination by the respondent school had been dismissed as barred by limitation. The appellant had preferred his appeal before the DST in time. However, the same was re-filed belatedly after seven months. The appellant was not able to satisfactorily explain the delay in re-filing his appeal before the DST. The learned Single Judge has refused to exercise his discretion in the case looking to the serious allegation against the appellant of his having molested a 5-year school girl where he was on duty on the date of the incident.

For the same reasons, as recorded by the learned Single Judge, we are also not inclined to interfere with the impugned order. We may also add that we have perused the confidential inquiry report dated 16.06.2008 held against the appellant. A perusal of the said report shows that the appellant did not cooperate in the inquiry. He did not effectively participate and repeated notices and orders sent to him by the Inquiry Officer were received back as "refused". The photograph of the appellant was shown to the child, who obviously and rightly was not produced in the inquiry, and the child had identified the appellant as the perpetrator of the said heinous action.

In these circumstances, we are not inclined to interfere with the impugned order. Dismissed.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 31, 2017

B.S. Rohella