

\$~5

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

+ W.P.(C) 7964/2014 and C.M. No.18651/2014 (stay)

SURYA NAGAR EDUCATIONAL SOCIETY Petitioner

Through: Mr. Sudhanshu Batra, Senior
Advocate with Mr. Bhuvan Gugnani,
Advocate.

versus

CENTRAL BOARD OF SECONDARY EDUCATION & ORS.

..... Respondents

Through: Mr. Amit Bansal, Advocate with Ms.
Manisha Singh, Advocate for
respondent No.1.
Mr. Pawan Reley, Advocate with Mr.
Ankit Mishra, Advocate for
respondent No.2.
Ms. Jagriti Ahuja, Advocate for
respondent No.3.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **15.02.2017**

1. It is noted that the impugned letter which is challenged in the present writ petition being dated 1.10.2014 has been issued to the school not at Delhi but at Ghaziabad where the school is situated. This Court therefore would have no territorial jurisdiction in view of the Constitution Bench

W.P.(C) No.7964/2014

page 1 of 3

judgment of the Supreme Court in the case of ***Bachhittar Singh Vs. State of Punjab and Another AIR 1963 SC 395*** and as followed by a recent judgment of the Supreme Court in the case of ***Sethi Auto Service Station and Anr. Vs. Delhi Development Authority and Ors. (2009) 1 SCC 180.***

It is also noted that services of the employees in question have been at School at Ghaziabad and not at Delhi.

2. In view of aforesaid position, counsel for the petitioner prays for and is allowed to withdraw this petition with liberty to file appropriate independent proceedings in accordance with law in the Court having territorial jurisdiction and the period spent from the date of filing of the present petition till today will be available as a period to the petitioner under Section 14 of the Limitation Act, 1963 for filing of appropriate independent proceedings. Interim order passed by this Court is extended for a period of four weeks from today without the same in any manner being a reflection on merits of the cases of either of the parties and interim order will be prayed for in the appropriate independent proceedings and the concerned Court will examine the issue uninfluenced by the fact that interim order was passed and extended by this Court.

3. Writ petition is disposed of in terms of aforesaid observations.
4. Dasti to counsels for the parties.

VALMIKI J. MEHTA, J

FEBRUARY 15, 2017

Ne