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

+ LPA 413/2017

MIDNAPORE INSTITUTE OF EDUCATION Appellant
Through: Mr. Mayank Mishra and Ravi Kant,
Adv.

versus

NATIONAL COUNCIL FOR TEACHER EDUCATION AND ANR
..... Respondent

Through: Ms. Monika Arora with Mr. Kushal
Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
29.05.2017

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C.M. No. 21115/2017

Exemption allowed, subject to all just exceptions. The application stands disposed of.

LPA 413/2017

Issue notice. Counsel for the respondent accepts notice. The appellant has assailed the order dated 26.04.2017 passed by the learned Single Judge in W.P. (C.) No.7597/2016. The impugned order reads as follows:

“Petitioner has assailed the order dated 22nd July, 2016 passed by respondent no.2. Remedy to file an appeal before the Appellate Authority is available to petitioner. Therefore, I am not inclined to entertain this writ petition and accordingly same is dismissed”.

According to the appellant, the order impugned in the writ petition was not appealable since the appellant had already exhausted the statutory remedies.

Learned counsel has submitted that the impugned order is unreasoned as it does not explain as to how the impugned order dated 26.07.2016 passed by respondent no.2 was appealable. Even the provision under which the appeal lay has not been referred to in the impugned order.

The respondents cannot dispute the fact that the impugned order passed by the learned Single Judge is unreasoned inasmuch, as, it has not been discussed as to how the order dated 22.07.2016 passed by respondent no.2 in the background facts of this case is appealable; it is not disclosed as to under which provision the said order is appealable and who is the appellate authority.

In our view, the learned Single Judge should have discussed the submissions of the appellant in this regard even if he was so minded to hold that the impugned order was appealable before the appellate authority. In view of the aforesaid, the impugned order is set aside and the matter is remanded back to the learned Single Judge to pass a reasoned order after hearing and disclosing the submissions of the counsels. Parties shall appear before the learned Single Judge on 31.05.2017.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 29, 2017

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