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

+ LPA 62/2017 & CM APPL. 2853/2017

RENU KAPOOR

..... Appellant

Through: Mr. Puneet Goel, Advocate.

Versus

DIRECTOR OF PRIMARY EDUCATION EDUCATION & ORS

..... Respondents

Through: Mr. Kumar Rajesh Singh, Standing
Counsel for respondent No.1/EDMC.
Mr. Pramod Gupta & Ms. Kashvi
Dutta, Advocates for R-2 & 3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

06.02.2017

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1. The petitioner in W.P.(C) No.2167/2016 is the appellant before us.
2. The said writ petition is still pending before the learned Single Judge and the present appeal arises out of an interim order passed by the learned Single Judge on 09.11.2016.
3. We have heard the learned counsel for both the parties.
4. Since the writ petition is yet to be heard by the learned Single Judge and the same stands posted to 17.02.2017, we are of the view that it is neither necessary nor proper for us to express any opinion on merits of the case.
5. Even the grievance of the appellant that certain findings were

recorded by the learned Single Judge with regard to the prior permission of the Director of Education as required under Rule 115(2) of the Delhi School Education Rules, 1973 appears to be factually wrong. We found that the learned Single Judge had merely recorded a *prima facie* view in the light of the judgment of the Supreme Court in ***Raj Kumar Vs. Director of Education & Ors, (2016) 6 SCC 541.***

6. We, therefore, consider it appropriate to dispose of the appeal leaving it open to the learned Single Judge to decide the writ petition in accordance with law without having regard to the *prima facie* opinion expressed in the order under appeal.

7. The appeal is accordingly disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

FEBRUARY 06, 2017

SSC