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

+ W.P.(C) 9048/2018

DR. BIPIN BATRA

..... Petitioner

Through: Mr. Mukul Gupta, Sr. Advocate with
Mr. Rakesh Gosai, Mr. Tushar Gupta and
Ms. Nitya Gupta, Advocates.

versus

NATIONAL BOARD OF EXAMINATIONS AND ANR.

..... Respondents

Through: Ms. Maninder Acharya, ASG with
Mr. A.K. Behera, Mr. Kirtiman Singh,
Mr. Waize Ali Noor, Mr. Sahil Sood, Mr. Prateek
Dhanda, Mr. Viplav Acharya and Mr. Harshul
Chawdhary, Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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28.08.2018

CAV 774/2018

1. Appearance is entered on behalf of the caveators/respondents, who state that a complete set of the paper book has been served on them.
2. In view of the above, the caveat stands discharged.

W.P.(C) 9048/2018 and CM APPL. Nos.34759/2018 & 34760/2018

1. The petitioner is aggrieved by an interim order dated 23.07.2018 passed by the Central Administrative Tribunal, dismissing a miscellaneous application filed by him, praying *inter alia* that the disciplinary proceedings initiated against him be stayed and further, that the Inquiry Officer appointed by the respondent No.1, be declared as ineligible to act in the said position.

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2. We are informed that the enquiry proceedings are going on but the petitioner has not been participating therein from day one.
3. Before commencement of arguments, Ms. Acharya, learned ASG appearing for the respondents states that the Tribunal has scheduled O.A. No.1075/2016 filed by petitioner for final hearing on 11.09.2018. She hands over a copy of the order dated 18.05.2018 passed by the Tribunal, which is taken on record. Learned ASG further submits that though a counter affidavit has already been filed by the respondents in the O.A., the petitioner has yet to file his rejoinder.
4. Mr. Gupta, Senior Advocate appearing for the petitioner states on instructions that the rejoinder, if required, shall be filed within 10 days and the petitioner shall not seek any adjournment on the date fixed. Similar assurance is given by learned ASG on behalf of the respondents.
5. In view of the fact that the main application itself is listed before the Tribunal for final hearing on 11.09.2018, we do not see any reason to interfere in the interim order dated 23.07.2018, impugned in this petition.
6. The present petition is disposed of alongwith the pending applications with a request made to the Tribunal to make an endeavour to hear the arguments in O.A. No.1075/2018, on the date fixed, i.e. on 11.09.2018.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 28, 2018

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