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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ LPA 612/2017 & CM No.33914/2017 (stay)  
MAA TRIMUKHA SIKSHA PRASAR SAMITI ..... Appellant  
Through: Mr.Joginder Sukhija, Advocate.

versus

UNION OF INDIA & ANR ..... Respondents  
Through: Mr.Rajesh Gogna, CGSC with Mr.Raghav  
Nagar, Advocate for R-1.

**CORAM:**  
**HON'BLE MR. JUSTICE G.S.SISTANI**  
**HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL**

**ORDER**  
% **14.08.2018**

**CM No.33915/2017 (exemption)**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**CM No.333916/2017 (delay)**

This is an application seeking condonation of delay in filing the present appeal.

Notice. Counsel for the respondent No.1 accepts notice. The prayer made in this application is not opposed. Accordingly, the delay in filing the appeal is condoned.

The application stands disposed of.

**LPA 612/2017 & CM No.33914/2017 (stay)**

Challenge in this appeal is to the order dated 15.12.2016 passed by the learned Single Judge, by which the writ petition filed by the appellant herein has been dismissed.

Learned counsel for the appellant submits that in view of the decision of the Supreme Court of India, the order of the learned Single Judge is liable to be

set aside.

Counsel for the respondents relies upon the order passed in LPA No.306/2017 in the case of “*Budhi Vidhata Jan Kalyan Samiti vs Union of India & Another*” wherein the Division Bench considered the fact that the impugned order pertains to the academic year 2016 and the petitioner in the aforesaid matter had applied afresh and thus, the LPA was disposed of observing that the observation of the Single Judge would not be construed as an adverse endorsement and determinative to the appellant and the Council was directed to consider the request afresh, uninfluenced by the past events.

Mr.Sukhija, counsel for the petitioner points out that the appellant had not applied afresh, however, the appellant would apply afresh and the respondents be directed to consider the application unaffected by any observation made by the learned Single Judge. Mr.Gogna, counsel for the respondent No.1 has no objection to the same.

Accordingly, the present appeal and CM No.33914/2017 are disposed of. Leave is granted to the appellant to apply afresh if entitled to do so. The respondent would consider the application in accordance with law unaffected by any observation made by the learned Single Judge.

**G.S.SISTANI, J**

**SANGITA DHINGRA SEHGAL, J**

**AUGUST 14, 2018**  
**Afa**