

\$~52.

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

+ LPA 79/2020

QUEENS CONVENT SCHOOL ..... Appellant

Through: Mr. Dilip Singh, Advocate.

versus

HARPREETKAUR & ANR ..... Respondents

Through: Mr. Tanmaya Mehta & Mr. Vivek  
Gaur, Advocates for respondent No.1.  
Ms. Avnish Ahlawat, Mr. N.K. Singh  
& Mr. Himank Ahuja, Advocates for  
respondent No.2.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

%

**19.02.2020**

We have heard learned counsel for the parties.

The appellant has assailed the order dated 10.01.2020 passed by the learned Single Judge in C.M. No. 55040/2019 in W.P.(C.) No.13623/2019. By the impugned order, the learned Single Judge – after taking notice of totality of facts and circumstances, has stayed the inquiry proceedings against the respondent/ writ petitioner till the next date, which is now fixed on 28.07.2020. The appellant is the school, wherein the respondent is an employee and it is the appellant which was proceeding with the inquiry.

The submission of learned counsel for the appellant is that the learned Single Judge has observed in the impugned order that the appellant had refused to allow defence assistance to the respondent/ writ petitioner for one

or the other reasons. He submits that no aspersions were cast on the ability and integrity of the Defence Assistants proposed by the respondent. He submits that the respondent had proposed one person, namely Mr.Naresh K. Chauhan to be Defence Assistant. However, he did not give his consent. The next person proposed was Mr. Ranbir Singh, who is a law graduate. Since he was holding a law degree, the Inquiry Officer refused to grant permission to him since neither he, nor the Presenting Officer were holding law degree. The third person proposed was Mr. J.B. Anand, who was found to have misrepresented to the appellant school and, therefore, on that count, he was not permitted to assist the respondent.

Learned counsel for the appellant submits that the appellant is now agreeable to the respondent nominating either Mr. Naresh K. Chauhan, or Mr. Ranbir Singh, or any third person to be her Defence Assistant, except Mr. J.B. Anand. We take the statement of the appellant on record.

Since the impugned order has been passed by “*taking note of totality of facts and circumstances*”, we are not inclined to interfere with the same. We request the learned Single Judge to consider the appellant’s plea for vacation of stay as and when the matter is taken up.

The appeal is, accordingly, disposed of.

**VIPIN SANGHI, J**

**SANJEEV NARULA, J**

**FEBRUARY 19, 2020**

*B.S. Rohella*