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

+ W.P. (C) 3431/2020 and CM 16921/2020 and 12174/2020

MRS. POONAM NARULA Petitioner
Through Mr. Kamlesh Kumar, Advocate

versus

DIRECTORATE OF EDUCATION AND ANR. Respondents
Through Mrs. Avnish Ahlawat, Standing
Counsel with Mr. N.K. Singh and Ms.
Palak Rohmetra, Advocates for DOE
Mr. Kanwar Singh, Advocate for R-2

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
18.08.2020

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1. Hearing has been conducted through Video Conferencing.
2. Present petition has been filed by the Petitioner, against whom disciplinary proceedings have been initiated, on the ground that a fair opportunity to the Petitioner was not being extended in the Domestic Enquiry, as she was not allowed to be assisted by Smt. Asha Rani, Ex-TGT (Hindi-Sanskrit) as her Defence Assistant. Though at the initial stage, there was objection to the request of the Petitioner for engaging the services of Smt. Asha Rani, however, Respondent No.2 has now filed an application being CM No. 16921/2020, wherein Respondent No.2 has categorically stated that the Petitioner will be permitted to engage the services of Smt. Asha Rani as per her choice, as Defence Assistant.
3. Notice was issued on the application on the last date of hearing.
4. Mr. Kamlesh Kumar accepts notice on behalf of the Petitioner. He

submits that as far as this prayer is concerned, it stands satisfied and no further orders are required to be passed by this Court. He, however, submits that the Petitioner also made certain representations to the Disciplinary Authority against the alleged bias of the Inquiry Officer, which are still pending consideration. He seeks a direction from this Court to direct the competent Disciplinary Authority to dispose of the representations.

5. I have heard learned counsels for the parties.

6. Prayers in the present petition read as under :-

“I. Issue a writ of mandamus directing respondent no.2 to not to influence the disciplinary proceedings from outside and allow the petitioner to engage Mrs. Asha Rani Ex-TGT (Hindi-Sanskrit) as Defence Assistant in contemplated disciplinary proceedings.

II. Issue a writ of mandamus directing the respondent no.2 to not to conduct enquiry proceedings till the regular school start by the order of the respondent no.1.

III. To issue a Writ of Mandamus thereby directing the respondent no.1 to take coercive action against the respondent no.2 for continuing the enquiry proceedings during lockdown by defying the order of the respondent no.1 to keep the schools close.

IV. Issue a writ of prohibitory nature to respondent no.2 to not to remove the petitioner from service in retaliation without following the due process of law.”

7. Having perused the prayers made in the writ petition, it is clear that the grievance raised by the Petitioner to engage Mrs. Asha Rani Ex-TGT (Hindi-Sanskrit) as Defence Assistant, stands redressed. As far as the issue of the alleged bias against the Inquiry Officer is concerned, since representation is pending with the Competent Authority, the Competent Authority shall take appropriate decision in the matter, expeditiously. In

case the Petitioner is aggrieved by the decision taken by the Competent Authority, it shall be open to the Petitioner to take recourse to appropriate remedy available to her in accordance with law against the said decision.

8. Petition is disposed of with the aforesaid directions.
9. Interim order passed by this Court on 10.06.2020 stands vacated.
10. Date of 22.09.2020 earlier fixed is hereby cancelled.

JYOTI SINGH, J

AUGUST 18, 2020

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