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

+ LPA 114/2021, C.M. Appl. No. 10609/2021 & 10610/2021

DELHI PUBLIC SCHOOL SOCIETY

..... Appellant

Through: Mr. Puneet Mittal, Senior Advocate
with Ms. Vasudha Bajaj and Mr.
Abhieskmat Gupta, Advocate .

versus

CENTRAL BOARD OF SECONDARY EDUCATION

..... Respondent

Through: Ms. Manisha Singh, Advocate for
CBSE.

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Date of Decision: 22nd March, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

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MANMOHAN, J (Oral):

C.M. Appl. No. 10610/2021 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

LPA No. 114/2021 & C.M. Appl. No. 10609/2021 (Stay)

1. Present appeal has been filed challenging the order dated 26th February, 2021 passed by the learned Single Judge in the appellant's

writ petition being WP(C) 2552/2021. Appellant seeks a direction to the respondent to decide appellant's representations in a time bound manner.

2. Learned counsel for the appellant states that the Learned Single Judge while disposing of the appellant's petition erred in permitting the respondent, if the respondent so considers it appropriate, to await the orders of the Court in the litigation between the appellant and Aviral Education and Welfare Society [Aviral].

3. He emphasizes that the appellant had sought a limited prayer before the learned single judge i.e. the respondent to take necessary action on the appellant's letters/representations against Aviral. He points out that vide impugned order, the learned Single Judge has virtually decided the appellant's representations by advising the respondents to await orders in the litigation between the appellant and Aviral.

4. The relevant facts of the case are that there are disputes between the parties regarding the termination of a Joint Venture Agreement between them. The appellant had made representations to respondent-CBSE to take action against Aviral and to also de-affiliate the respondent's school i.e. DPS Sahibabad. Legal proceedings are now pending in this court, instituted by the parties against each other. The Trademark case is pending before a learned Single Judge of this Court.

5. It is clarified that the learned Single Judge has not given any directions to the respondent/CBSE and had merely mentioned that all options are available with CBSE. The option mentioned in the impugned order is certainly one of the options that is also available to the respondent CBSE in law. Needless to state CBSE will weigh all the pros and cons of each option and thereafter take an informed decision.

6. Consequently, the impugned order passed by the learned Single Judge calls for no interference. However, it is directed that the respondent/CBSE shall decide the appellant's representation, as directed by the learned Single Judge within eight weeks.

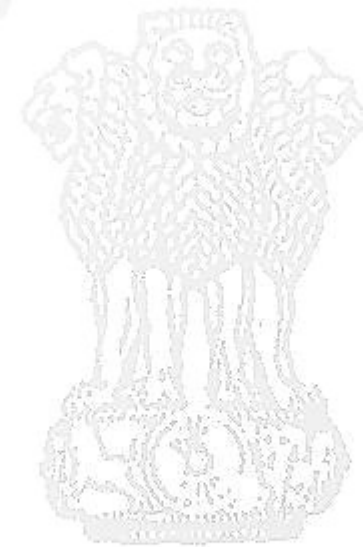
7. With the aforesaid directions, present appeal along with pending application stands disposed of.

MANMOHAN, J

ASHA MENON, J

MARCH 22, 2021

Pkb/KA



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