



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

Judgment reserved on: 16.08.2023

% **Judgment delivered on: 24.08.2023**

+ **LPA 210/2023 & CM APPL. 41913/2023**

DAYANAND MODEL SCHOOL AND ANR. Appellant

Through: **Mr. D.D. Singh and Ms. Seerat Deep Singh, Advs.**

Versus

GOVERNMENT OF NCT OF DELHI AND ORS. Respondent

Through: **Mr. Yeeshu Jain, SC with Ms. Jyoti Tyagi, Ms. Manisha and Mr. Hitanshu Mishra, Advocates for R-1 & R-2.
Ms. Nandini Sahni and Mr. Sachin Bandoori, Advocates for R-3.**

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJEEV NARULA**

J U D G M E N T

SATISH CHANDRA SHARMA, C.J.

1. The present Letters Patent Appeal (the “LPA”) has been filed under Clause 10 of the Letters Patent Act assailing the judgment dated 14.11.2022 passed by the learned Single Judge in W.P.(C.) No. 10523/2019, titled *Smt.*

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Anjna Luthra v. Government of NCT of Delhi and Ors. (the “**Writ Petition**”).

2. The learned Single Judge vide judgment dated 14.11.2022 allowed the underlying Writ Petition preferred by Respondent No. 3 and directed the payment of Respondent No. 3’s full salary for the intervening period between 13.11.2019 and 30.09.2021 i.e. the date of superannuation; and the payment of terminal dues to Respondent No. 3 subsequent to her superannuation on 30.09.2021.

3. The facts of the case reveal that the Respondent No. 3, started her service career by joining Dayanand Model School (the “**Appellant School**”) as an Assistant Teacher on 14.07.1986. She was appointed, keeping in view the statutory provisions as contained under the Delhi School Education Act, 1973 (the “**DSE Act**”) and the Delhi School Education Rules, 1973 (the “**DSE Rules**”).

4. Thereafter on 01.12.1991, Respondent No. 3 was promoted as a Trained Graduate Teacher (“**TGT**”) in science. Undisputedly, Respondent No. 3 has never been served with any adverse Annual Confidential Report (“**ACR**”). On the contrary, as reflected in the underlying Writ Petition, Respondent No. 3 has worked with sincerity and devotion.

5. Respondent No. 3 was placed in charge as officiating principal of the Appellant School between 2004-2005. Thereafter between (i) July 2009 and December 2009; and (ii) January 2010 and July 2010, she has worked as officiating ‘Vice Principal/ Head of School’ for the Appellant.



6. The facts of the case further reveal that by an order dated 13.11.2019, Respondent No. 3 was placed under suspension (the “**Suspension Order**”). Thereafter, a charge sheet dated 18.01.2020 was also issued in the matter (the “**Charge-Sheet**”). Disciplinary proceedings against Respondent No. 3 emanated from the Charge-Sheet. A writ petition i.e., W.P.(C) No. 5738/2020 was preferred by Respondent No. 3 challenging the validity of the Charge-Sheet, praying for *inter alia* the following reliefs:

“a) allow the writ petition and be pleased to issue an appropriate order or writ directing the respondents no. 1 to 4 not to take any coercive/adverse action against petitioner till she retires in September, 2021 and permit her to complete her term as a Vice Principal/HOS of respondent no.4 school in accordance with law; and

(b) direct the respondents no. 1 to 4 to ensure smooth running of respondent no.4 school by petitioner as Vice Principal/HOS and look into the matter and ensure that petitioner is not harassed/victimised and is compelled to tender her resignation or to take voluntary retirement from her service as threatened by respondent no.3 & 4; and

c) pass an appropriate writ order or direction declaring that the order dated 13.11.2019 passed by defendants no.3 and 4 against petitioner is an illegal and wrong order which has been passed contrary to law and the same may kindly be set aside/quashed by this Hon'ble Court and it be also directed by Hon'ble Court that petitioner continues to be the Vice Principal/HOS of the respondent no.4 school till she retires and she should be allowed to complete her tenure as Vice Principal/HOS of respondent no.4 school up to September 2021 without any obstruction or hindrance caused by respondents; and respondent no.3 & 4 be directed to pay all legitimate dues of petitioner during the pendency of present writ petition.



(d) allow that in view of Section 8(4) of DSE Act, the petitioner be allowed to join back her job in respondent no.4 school as HOS/Vice Principal as the suspension order dated 13.11.2019 issued by respondents no.3 & 4 has automatically lapsed as respondents no.3 & 4 school have not been granted any approval within the period of 15 days as per law and thus suspension order has automatically ceased to operate and petitioner is entitled to join back her job as Vice Principal/HOS in respondent no.4 school with immediate effect”

7. This Court *vide* an interim order dated 28.08.2020 stayed the disciplinary proceedings. When the matter was being argued today, the learned counsel for Respondent No. 3, stated that *vide* an order dated 11.05.2023 in W.P. (C) No.5738/2020, the Charge-Sheet has been quashed.

8. During the pendency of the underlying Writ Petition, Respondent No. 3 superannuated from service on 30.09.2021. Moreover, Respondent No. 3 submitted therein that the suspension order has been passed without approval of the Director of Education (“DoE”) and, therefore, it is *non-est* in law. It is pertinent to note that the DoE *vide* orders dated 25.06.2020, 23.09.2021 and 06.05.2022 directed the Appellant to reinstate the Respondent No. 3 with all consequential benefits. However, the same was not done and it is in those circumstances, that Respondent No. 3 came up before this Court with the prayer for *inter alia* reinstatement in service. The learned Single Judge has allowed the underlying Writ Petition and the order passed by the learned Single Judge, as contained in paragraphs 6 to 12 reads as under:



“6. Having perused the decision in Raj Kumar (supra), I find that the Apex Court, while rendering the said decision, had taken due note of the decision in T.M.A. Pai Foundation & Ors. (supra) and thereafter arrived at a conclusion that in terms of the provisions of the Delhi School Education Act, it was mandatory for a private unaided school to obtain prior approval before passing of an order of termination. The relevant extracts of the said decision, wherein the Court after referring to the decision in T.M.A. Pai Foundation & Ors. (supra) opined that Section 8(2) of the Delhi School Education Act was a precautionary safeguard, which was required to be followed to ensure that employees of educational institutions do not suffer unfair treatment at the hands of the management, read as under:-

50. The Division Bench of the Delhi High Court, thus, erred in striking down Section 8(2) of the DSE Act in Kathuria Public School [Kathuria Public School v. Director of Education, 2005 SCC OnLine Del 778 : ILR (2005) 2 Del 312 : (2005) 123 DLT 89 : (2005) 83 DRJ 541] by placing reliance on the decision of this Court in T.M.A. Pai [T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481 : 2 SCEC 1] , as the subject matter in controversy therein was not the security of tenure of the employees of a school, rather, the question was the right of educational institutions to function unfettered. While the functioning of both aided and unaided educational institutions must be free from unnecessary governmental interference, the same needs to be reconciled with the conditions of employment of the employees of these institutions and provision of adequate precautions to safeguard their interests. Section 8(2) of the DSE Act is one such precautionary safeguard which needs to be followed to ensure that employees of educational institutions do not suffer unfair treatment at the hands of the management.



51. *The Division Bench of the Delhi High Court, while striking down Section 8(2) of the DSE Act in Kathuria Public School [Kathuria Public School v. Director of Education, 2005 SCC OnLine Del 778 : ILR (2005) 2 Del 312 : (2005) 123 DLT 89 : (2005) 83 DRJ 541] has not correctly applied the law laid down in Katra Education Society [Katra Education Society v. State of U.P., AIR 1966 SC 1307] , wherein a Constitution Bench of this Court, with reference to provision similar to Section 8(2) of the DSE Act and keeping in view the object of regulation of an aided or unaided recognised school, has held that the regulation of the service conditions of the employees of private recognised schools is required to be controlled by educational authorities and the State Legislature is empowered to legislate such provision in the DSE Act. The Division Bench wrongly relied upon that part of the judgment in Katra Education Society [Katra Education Society v. State of U.P., AIR 1966 SC 1307] which dealt with Article 14 of the Constitution and aided and unaided educational institutions, which had no bearing on the fact situation therein. Further, the reliance placed upon the decision of this Court in Frank Anthony Public School Employees' Assn. v. Union of India [Frank Anthony Public School Employees' Assn. v. Union of India, (1986) 4 SCC 707 : (1987) 2 ATC 35] is also misplaced as the institution under consideration in that case was a religious minority institution.ss*

52. *The reliance placed by the learned counsel appearing on behalf of the respondents on T.M.A. Pai [T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481 : 2 SCEC 1] is also misplaced as the same has no bearing on the facts of the instant case, for the reasons discussed supra. The reliance placed upon the decision of the Delhi*



High Court in Kathuria Public School [Kathuria Public School v. Director of Education, 2005 SCC OnLine Del 778 : ILR (2005) 2 Del 312 : (2005) 123 DLT 89 : (2005) 83 DRJ 541] is also misplaced as the same has been passed without appreciating the true purport of the Constitution Bench decision in Katra Education Society [Katra Education Society v. State of U.P., AIR 1966 SC 1307] . Therefore, the decision in Kathuria Public School [Kathuria Public School v. Director of Education, 2005 SCC OnLine Del 778 : ILR (2005) 2 Del 312 : (2005) 123 DLT 89 : (2005) 83 DRJ 541] , striking down Section 8(2) of the DSE Act, is bad in law.

55. The respondent Managing Committee in the instant case did not obtain prior approval of the order of termination passed against the appellant from the Director of Education, Govt. of NCT of Delhi as required under Section 8(2) of the DSE Act. The order of termination passed against the appellant is thus, bad in law.

7. Once it is clear that the decision in Raj Kumar (supra) has been rendered by the Apex Court after taking note of the decision of the Constitution Bench in T.M.A. Pai Foundation & Ors. (supra), the plea of respondent nos.3 & 4 that this Court should treat the decision in Raj Kumar (supra) as obiter dicta has to be necessarily rejected. It is only if the decision in Raj Kumar (supra) had been rendered without noticing the decision in T.M.A. Pai Foundation & Ors. (supra) would the decisions in Brahmo Samaj Education Society & Ors. (supra), Siddharam Satlingappa Mhetre (supra) and Philip Jeyasingh (supra) have any applicability. In the present case, not only is it evident that the decision in Raj Kumar (supra) has been rendered after examining the decision in T.M.A. Pai Foundation & Ors. (supra), but even otherwise the question answered by the Court in Raj Kumar (supra) regarding the mandatory requirement of prior approval from the DoE was not even subject matter of the



decision in T.M.A. Pai Foundation & Ors. (supra). This Court is, therefore, bound by the decision of the Apex Court in Raj Kumar (supra) wherein it has been clearly held that prior approval of the DoE would be necessary in the case of termination of an employee of a private unaided school.

8. I may also note that the respondent nos.3 & 4 have not challenged any of the three orders, i.e., order dated 25.06.2020, 23.09.2021 and 06.05.2022, whereby the DoE while categorically revoking the suspension of the petitioner had directed the respondent nos.3 & 4 to reinstate her with all consequential benefits. These orders passed by the respondent nos.1 & 2 have, therefore, attained finality. I, therefore, have no hesitation in holding that the suspension order dated 13.11.2019 is bad in law and consequently the petitioner would be entitled to full salary for the period between 13.11.2019 to 30.09.2021 during which she remained illegally suspended. The respondent nos.3 & 4 are, accordingly, directed to release the differential amount payable to the petitioner for this period after taking into account the amount already paid to her as subsistence allowance.

9. Now coming to the petitioner's claim for release of her terminal benefits after her superannuation on 30.09.2021. The only defence taken by respondents nos. 3 & 4 to deny the terminal benefits to the petitioner, who superannuated more than one year ago is that she cannot be paid her terminal dues till the disciplinary proceedings initiated against her are finalized. Even though this plea appears to be attractive on the first blush, what needs to be noted is that as on date the disciplinary proceedings against the petitioner have been stayed by this Court vide it's order passed in W.P.(C) 5738/2020. An employee who superannuates from an organization after a long service, looks up to the terminal benefits with a hope that the said amount will act as a succour to him/her in old age and therefore, the same should unless withheld for any valid reason, normally be paid to the employee at the earliest.



10. *In the present case, once the disciplinary proceedings against the petitioner have been stayed, the respondent nos. 3 & 4 evidently cannot proceed with the same. Does it imply that the petitioner should be penalised and not paid her terminal dues, even though the proceedings against her have been stayed by the Court after finding prima facie merit in her challenge to the same. In my considered view, this would be highly unfair and against the interest of justice. The petitioner cannot be made to suffer merely because she has chosen to assail the disciplinary proceedings, which she perceives to have been illegally initiated against her by respondent nos.3 & 4. The petitioner must, therefore, receive all her terminal benefits at the earliest. However, in order to protect the interest of the respondent nos. 3 & 4, it is directed that the terminal benefits of the petitioner including arrears of salary as per the recommendations of the 6th and 7th Central Pay Commission, leave encashment and gratuity would be released to her, subject to her filing an undertaking before this Court, with a copy to respondent nos. 1 & 2 as also to respondent nos. 3 & 4, that in case any penalty is imposed on her warranting recoveries to be made from her, she would, subject to any appellate remedy, abide by the terms thereof.*

11. *The amounts in terms of para 8 and 10, will be paid to the petitioner within a period of six weeks, failing which the same will bear interest @6% per annum from the date of her superannuation.*

12. *The writ petition, is accordingly, disposed of."*

9. The learned Single Judge, placing reliance on ***Raj Kumar vs. Directorate of Education & Anr.***, 2016 Vol IV AD (SC) 490 has allowed the underlying Writ Petition. Pertinently in ***Raj Kumar (Supra)*** under similar circumstances, the managing committee therein did not obtain the requisite approval in respect of termination order from the DoE, Government of NCT of Delhi as is required under Section 8(2) of the DSE



Act. The statutory provisions governing the field as contained under Section 8 of the DSE Act reads as under:

“8. Terms and conditions of service of employees of recognised private schools.—(1) The Administrator may make rules regulating the minimum qualifications for recruitment, and the conditions of service, of employees of recognised private schools:

Provided that neither the salary nor the rights in respect of leave of absence, age of retirement and pension of an employee in the employment of an existing school at the commencement of this Act shall be varied to the disadvantage of such employee:

Provided further that every such employee shall be entitled to opt for terms and conditions of service as they were applicable to him immediately before the commencement of this Act.

(2) Subject to any rule that may be made in this behalf, no employee of a recognised private school shall be dismissed, removed or reduced in rank nor shall his service be otherwise terminated except with the prior approval of the Director.

(3) Any employee of a recognised private school who is dismissed, removed or reduced in rank may, within three months from the date of communication to him of the order of such dismissal, removal or reduction in rank, appeal against such order to the Tribunal constituted under section 11.

(4) Where the managing committee of a recognised private school intends to suspend any of its employees, such intention shall be communicated to the Director and no such suspension shall be made except with the prior approval of the Director:

Provided that the managing committee may suspend an employee with immediate effect and without the prior approval of the Director if it is satisfied that such immediate suspension is necessary by reason of the gross misconduct, within the



meaning of the Code of Conduct prescribed under section 9, of the employee:

Provided further that no such immediate suspension shall remain in force for more than a period of fifteen days from the date of suspension unless it has been communicated to the Director and approved by him before the expiry of the said period.

(5) Where the intention to suspend, or the immediate suspension of, an employee is communicated to the Director, he may, if he is satisfied that there are adequate and reasonable grounds for such suspension, accord his approval to such suspension.”

10. The Respondent State before the learned Single Judge took an explicit stand by filing an affidavit that Respondent No. 3 was placed under suspension without prior approval of the DoE and the DSE Act read with the DSE Rules makes it amply clear that prior approval of the DoE is mandatory for termination of an employee. In this context, the learned Single Judge allowed the underlying Writ Petition in the absence of prior approval of the DoE as mandated under the DSE Act read with DSE Rules.

11. The order passed by the learned Single Judge underscores that the DoE on affidavit stated that at no point of time did the Managing Committee of the Appellant seek the DoE's approval in respect of suspension of the Respondent No. 3. Neither was any post-facto approval sought by the Managing Committee of the Appellant. This was echoed by the State Government which stated before the learned Single Judge that in the absence of approval of the DoE prior to the issuance of the Suspension Order, the DoE issued orders on 25.06.2020, 23.09.2021 and 06.05.2022 to reinstate Respondent No. 3 with all consequential benefits.



12. Learned counsel for the Appellant has vehemently argued before this Court that in light of the judgment delivered in the case of ***T.M.A. Pai Foundation & Ors. Vs. State of Karnataka & Ors.*** (2022) 8 SCC 481 as the Appellant school was a minority institution, it was not required to obtain approval from the DoE. Learned counsel for the Appellant has also placed reliance upon a judgment delivered in the case of ***Brahmo Samaj Education Society and Others v. State of W.B. and Others***, (2004) 6 SCC 224.

13. This Court has carefully gone through the aforementioned decisions of the Hon'ble Supreme Court and while it is correct that a religious denomination or any section thereof has a right under the Constitution of India to establish and administer an educational institution. However, the State can prescribe (i) a proper standard of education; and (ii) a review framework for mal-administration.

14. In the present case, the statutory provisions governing the field provide for terms and conditions of service of employees of recognized private schools. The statutory provisions are also applicable to schools established by the minority institutions.

15. The judgment delivered in the case of ***T.M.A. Pai Foundation (Supra)*** was considered by the Hon'ble Supreme Court in the case of ***Raj Kumar (Supra)*** wherein after considering the decision in ***T.M.A. Pai Foundation (Supra)***, the Hon'ble Supreme Court arrived at a conclusion that Section 8(2) of the DSE Act was a precautionary safeguard qua termination meant to ensure that employees of educational institutions do not suffer unfair treatment at the hands of the management, and the



provision is applicable to all educational institutions, including minority institutions. Therefore, the learned Single Judge was justified in holding that the Suspension Order is *non-est* in law as the statutory provisions under Section 8(4) of the DSE Act have not been followed by the Appellant.

16. The Hon'ble Supreme Court in a recent judgment delivered in the case of ***Gajanand Sharma v. Adarsh Siksha Parisad Samiti and Others***, 2023 SCC OnLine SC 54 was again dealing with disciplinary proceedings under the provisions of Rajasthan Non-Governmental Educational Institutions Act, 1989. In the aforesaid case, an order of termination was set aside by the Tribunal holding that proper approval of DoE was not obtained although such approval was mandatory. However, in the appeal filed before the Division Bench, it was observed that in case of termination after disciplinary proceedings, prior approval of the DoE is not required and the writ appeal was allowed by the High Court. The employee-therein had, thereafter, approached the Supreme Court and the Hon'ble Supreme Court allowed the appeal. Paragraphs 18 to 21 of the judgment delivered in ***Gajanand Sharma (Supra)*** read as under:

“18. In the case of Raj Kumar (supra) while dealing with the pari materia provision under the DSE Act and after considering the decision of this Court in the case of T.M.A. Pai Foundation (supra), it is specifically observed and held by this Court that in case of a recognized institution, before terminating the services of an employee, prior approval of the Director of Education is required. Therefore, a contrary view taken by the Larger Bench of the High Court relied upon by the Division Bench of the High Court is not a good law. It is required to be noted that the decision of this Court in the case



of Raj Kumar (supra) has been considered by this Court in the case of Marwari Balika Vidyalaya (supra) and also by the Delhi High Court in the case of Mangal Sain Jain (supra). In the case of Marwari Balika Vidyalaya (supra) this Court considered the decision in the case of Raj Kumar (supra) and object and purpose of Section 8 of DSE Act in paragraphs 13 and 14 as under:—

“13. In Raj Kumar v. Director of Education [Raj Kumar v. Director of Education, (2016) 6 SCC 541 : (2016) 2 SCC (L&S) 111] this Court held that Section 8(2) of the Delhi School Education Act, 1973 is a procedural safeguard in favour of employee to ensure that order of termination or dismissal is not passed without prior approval of Director of Education to avoid arbitrary or unreasonable termination/dismissal of employee of even recognised private school. Moreover, this Court also considered the Objects and Reasons of the Delhi School Education Act, 1973 and came to the conclusion that the termination of service of the driver of a private school without obtaining prior approval of Director of Education was bad in law. This Court observed : (SCC p. 560, para 45)

“45. We are unable to agree with the contention advanced by the learned counsel appearing on behalf of the respondent school. Section 8(2) of the DSE Act is a procedural safeguard in favour of an employee to ensure that order of termination or dismissal is not passed without the



prior approval of the Director of Education. This is to avoid arbitrary or unreasonable termination or dismissal of an employee of a recognised private school.”

14. This Court has laid down in Raj Kumar v. Director of Education [Raj Kumar v. Director of Education, (2016) 6 SCC 541 : (2016) 2 SCC (L&S) 111] that the intent of the legislature while enacting the Delhi School Education Act, 1973 (in short “the DSE Act”) was to provide security of tenure to the employees of the school and to regulate the terms and conditions of their employment. While the functioning of both aided and unaided educational institutions must be free from unnecessary governmental interference, the same needs to be reconciled with the conditions of employment of the employees of these institutions and provision of adequate precautions to safeguard their interests. Section 8(2) of the DSE Act is one such precautionary safeguard which needs to be followed to ensure that employees of educational institutions do not suffer unfair treatment at the hands of the management.”

19. Even on fair reading of Section 18 of the Act, 1989, we are of the opinion that in case of termination of an employee of a recognized institution prior approval of the Director of Education or an officer authorised by him in this behalf has to be obtained. In Section 18, there is no distinction between the termination, removal, or reduction in rank after the disciplinary proceedings/enquiry or even without disciplinary proceedings/enquiry. As per the settled position of law the



provisions of the statute are to be read as they are. Nothing to be added and or taken away. The words used are “no employee of a recognized institution shall be removed without holding any enquiry and it further provides that no final order in this regard shall be passed unless prior approval of the Director of Education has been obtained.” The first part of Section 18 is to be read along with first proviso. Under the circumstances, taking a contrary view that in case of dismissal/removal of an employee of a recognized institution which is after holding the departmental enquiry the prior approval of the Director of Education is not required is unsustainable and to that extent the judgment of the Larger Bench of the Rajasthan High Court in the case of Central Academy Society (supra) is not a good law.

20. Therefore, on true interpretation of Section 18 of the Act, 1989, it is specifically observed and held that even in case of termination/removal of an employee of a recognized institution after holding departmental enquiry/proceedings prior approval of the Director of Education has to be obtained as per first proviso to Section 18 of the Act, 1989.

21. In view of the above and for the reasons stated hereinabove, the impugned judgment and order passed by the Division Bench of the High Court restoring the order of termination which as such was without obtaining the prior approval of the Director of Education deserves to be quashed and set aside and is accordingly quashed and set aside. The order of learned Tribunal setting aside the order of termination confirmed by the learned Single Judge is hereby restored. Consequently, the appellant shall have to be reinstated in service and considering the fact that the respondent(s) is/are un-aided institution and the order of termination was passed as far as back in the year 1998, we direct that the appellant shall be entitled to 50% of



the back wages, however, he shall be entitled to all other benefits notionally including the seniority etc., if any.”

17. The Hon’ble Supreme Court in the aforesaid case has taken into account the judgment delivered in the case of **Raj Kumar (Supra)** as well as in the case of **T.M.A. Pai Foundation (Supra)**. Once again, it has been held that it is mandatory to obtain prior approval from the DoE for termination/removal of an employee by a recognized institution after holding disciplinary proceedings.

18. In the considered opinion of this Court, once the prior approval as required under the statute is mandatory as has been held in the case of **Raj Kumar (Supra)**, and the same has not been obtained by the institution, the learned Single Judge was justified in allowing the underlying Writ Petition.

19. Another important aspect of the case is that the employee in question has already attained the age of superannuation and as the suspension order was declared as *non-est* in law by the DoE, the learned Single Judge has rightly directed payment of its salary from 13.11.2019 to 30.09.2021 i.e. till the employee superannuated.

20. Furthermore, in the instant case, it has been brought to the notice of this Court the Charge-Sheet issued by the Appellant. Thereafter a writ petition was preferred i.e. W.P.(C.) No. 5738/2020 wherein this Court initially stayed the disciplinary proceeding emanating from the Charge-Sheet. Subsequently, the Charge-Sheet itself came to be quashed by this Court in the aforesaid case. In the considered opinion of this Court, once the Charge-Sheet itself has been quashed, the question of withholding terminal



dues; and / or arrears of salary (if any) accruing in favour of Respondent No.3 does not arise. Therefore, this Court does not find any reason to interfere with the order passed by the learned Single Judge. The net result is that the instant appeal fails and is, accordingly dismissed.

(SATISH CHANDRA SHARMA)
CHIEF JUSTICE

(SANJEEV NARULA)
JUDGE

AUGUST 24, 2023

N.Khanna