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

+ **W.P.(C) 11013/2024**

MS. RITU SINGHALPetitioner

Through: **Mr. Nikhilesh Kumar, Advocate.**

versus

LIONS PUBLIC SCHOOL AND ORSRespondents

Through: **Mr. V.K. Tandon, Advocate for Respondents No.1 to 5.**

Ms. Latika Choudhury, Advocate for Respondent No.6/DOE.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

20.08.2024

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CM APPL. 45477/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 11013/2024 and CM APPL. 45478/2024

3. This writ petition has been filed on behalf of the Petitioner under Article 226 of Constitution of India seeking the following reliefs:

“(a) Issue a writ of mandamus or any other appropriate writ or order(s) or direction(s) to set aside the order dated 6.7.2024 (Impugned Order-1) passed by the Respondent No.4, whereby the application of the Petitioner to appoint an Advocate as her defence assistant, has been rejected;

(b) Issue a writ of mandamus or any other appropriate writ or order(s) or direction(s) to set aside the order dated 11.7.2024 (Impugned Order-2) passed by the Respondent No.4-inquiry officer, whereby the application of the Petitioner for appointment of Sh. Gurvinder Singh Saini as defence assistant (DA), has been rejected;

(c) Issue an appropriate writ of mandamus, order(s) or direction(s) and to set aside the order dated 27.7.2024 (Impugned Order-3) passed by the Respondent No.2- DAC, whereby the representation of the Petitioner dated 16.7.2024, (Ann-P/23) has been rejected being bereft of any merit;



(d) Issue a writ of mandamus or any other appropriate writ or order(s) or direction(s) directing the Respondent- School either to allow the Petitioner to appointment an advocate as her defense assistant or in the alternative remove the presenting officer-Respondent No.5 as he is a legal practitioner having Enrollment No. D/1677/2009;

(e) Issue a writ of mandamus or any other appropriate writ or order(s) or direction(s) directing the Respondent No.6- Department of Education to appoint an independent inquiry officer from the department as the Respondent No.4 - Inquiry Officer is completely biased and is acting at the behest of the school management;

(f) Issue a writ of mandamus or any other appropriate writ or order(s) or direction(s) and to quash the charge sheet dated 4.12.2023 (Impugned Order-4) issued by the Respondent No.3 through Principal-cum-Manager, being actuated with mala fide, malice, biased, etc.;

(g) Issue an appropriate writ of mandamus, order(s) or direction(s) to quash the disciplinary proceedings as the Respondent No.3- DAC has not been constituted in accordance with Rule 118 of the Delhi School Education Rules and hence violative of the said Rule;

(h) Issue any other writ, order(s) or direction(s) against the Respondents as the Hon'ble Court may deem fit in the facts and circumstances of the present case.

(i) Costs of this litigation."

4. On 08.08.2024, Mr. V.K. Tandon, learned counsel appearing on behalf of Respondents No.1 to 5 had sought time to revert with instructions with respect to the request of the Petitioner made before the Inquiry Officer for appointment of a counsel or Mr. Gurvinder Singh Saini, as his Defence Assistant.

5. Mr. Tandon, in his usual fairness, has come back with instructions and handed over an instructions-cum-note dated 20.08.2024, where in paragraph 5, it is stated that School will have no objection to the appointment of Mr. Gurvinder Singh Saini or any advocate as Defence Assistant by the Petitioner so long as he does not delay the ongoing departmental proceedings.



6. The instructions-cum-note dated 20.08.2024 handed over by Mr. Tandon is taken on record and copy is handed over to the Petitioner's counsel, who on instructions, states that the grievance of the Petitioner to the extent of engaging Mr. Saini as Defence Assistant stands redressed, however, the other issues raised in this petition be left open to be agitated before the Inquiry Officer and thereafter at the appropriate stage.

7. In view of the aforesaid, this writ petition is disposed of with liberty to the Petitioner to raise all objections and other legal issues/contentions taken in this petition at the appropriate stage during and after the conclusion of the Inquiry proceedings. Pending application also stands disposed of.

JYOTI SINGH, J

AUGUST 20, 2024
B.S. Rohella