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

+ **W.P.(C) 11378/2024**

PROMILA ANAND

.....Petitioner

Through: Mr. Nitin Goel and Mr. Mayank Goel,
Advocates.

versus

GURU NANAK PUBLIC SCHOOL & ANR.Respondents

Through: Ms Latika Choudhury, Advocate for
Respondent No.2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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16.08.2024

CM APPL. 47232/2024

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

W.P.(C) 11378/2024 and CM APPL. 47231/2024

3. This writ petition although filed as seeking writ of quo warranto, learned counsel for the Petitioner submits that the same be treated seeking a writ of certiorari and a writ of mandamus. The present petition has been filed seeking quashing of the inquiry proceedings held on 05.04.2024, 08.04.2024, 15.04.2024, 19.04.2024, 24.04.2024 and 02.08.2024.
4. Broadly understood, the case of the Petitioner is that the principles of natural justice are being violated by the Inquiry Officer inasmuch as the witnesses are being orally examined and/or some vital documents are not being supplied.
5. The law on interference by the Court exercising jurisdiction under Article 226 of the Constitution of India at the stage of show cause and charge memo is more than well-settled. The Supreme Court in *Union of*



India and Another v. Kunisetty Satyanarayana, (2006) 12 SCC 28, has held that it is in very rare and exceptional cases that High Court can quash a charge sheet or a show-cause notice if it is found to be wholly without jurisdiction or wholly illegal. Ordinarily, the High Court should not interfere in such a matter. Relevant paragraph is extracted hereunder for ready reference:

“16. No doubt, in some very rare and exceptional cases the High Court can quash a charge-sheet or show-cause notice if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal. However, ordinarily the High Court should not interfere in such a matter.”

6. The issues raised by the Petitioner in the present petition do not fall under any of the parameters warranting interference in the charge sheet and/or inquiry proceedings at this stage.
7. Faced with this, learned counsel for the Petitioner, on instructions, seeks to withdraw the petition with liberty to approach the Disciplinary Authority/DSE raising objections against the inquiry proceedings and/or other alleged violations of principles of natural justice by Inquiry Officer.
8. Petition stands disposed of with liberty to the Petitioner to approach the Disciplinary Authority and as and when any representation is made by the Petitioner, the same shall be decided in a time bound manner. All other objections and contentions raised in the petition are left open to be taken up at the appropriate stage.
9. Pending application also stands disposed of.

JYOTI SINGH, J

AUGUST 16, 2024
B.S. Rohella