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

+ **W.P.(C) 12191/2024**

DR. ASHWANI KUMAR

.....Petitioner

Through: Mr. Ankit Gupta, Advocate with
Petitioner in person.

versus

**M. L. KHANNA DAV PUBLIC SCHOOL
& ANR.**

.....Respondents

Through: Mr. Anurag Lakhotia, Advocate for
R1/School.

Mrs. Avnish Ahlawat, Standing Counsel for
R2/DoE.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

03.09.2024

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CM APPL. 50717/2024

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

W.P.(C) 12191/2024 & CM APPL. 50718/2024

3. This writ petition has been filed by the Petitioner under Article 226 of the Constitution of India, laying a challenge to an order dated 21.08.2024 passed by the Inquiry Officer whereby request of the Petitioner to engage a Defence Assistant of his choice has been rejected.
4. Petitioner was appointed as Primary Teacher by Respondent No.1 School on 16.07.2009 and was thereafter appointed as PGT (Physical Education) on 14.06.2016. Charge sheet was issued against the Petitioner on 30.04.2024 to which he filed a reply on 14.05.2024 denying the allegations levelled. Inquiry Officer was appointed on 22.07.2024 and thereafter, the



Presenting Officer was appointed on behalf of the Managing Committee of the School.

5. It is averred that on 06.08.2024 Presenting Officer informed the Petitioner that he may be assisted by a Defence Assistant who could only be his co-employee. Petitioner expressed his intention to engage Mr. Gurvinder Singh Saini as his Defence Assistant but by the impugned order dated 21.08.2024, the Inquiry Officer has rejected his request and has permitted him only to engage a co-employee as a Defence Assistant. With the limited grievance that Petitioner is not being permitted to engage Mr. Saini as Defence Assistant of his choice for effectively defending himself in the disciplinary proceedings, Petitioner has approached this Court.

6. Issue notice.

7. Mr. Anurag Lakhotia, learned counsel accepts notice on behalf of Respondent No.1/School.

8. Mrs. Avnish Ahlawat, learned Standing Counsel accepts notice on behalf of Respondent No.2/Directorate of Education.

9. Mr. Lakhotia, on instructions, states that without treating this case as a precedent, Petitioner will be allowed to engage Mr. Gurvinder Singh Saini as his Defence Assistant.

10. In view of the statement made by Mr. Lakhotia, this writ petition is disposed of as no further order is required to be passed. Pending application also stands disposed of.

JYOTI SINGH, J

SEPTEMBER 3, 2024

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