



2025:DHC:11416-DB



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

Date of Decision: 12th December, 2025

+ LPA 763/2025, CM APPL. 78492/2025 & CM APPL. 78493/2025

CHETAN KUMAR MISHRA

.....Appellant

Through: Mr. Sanjay Sharawat, Sr. Adv. with
Mr. Ravi Kant, Mr. Mayank Manish,
Mr. Vineet Upadhyay, Mr. Ashok
Kumar, Mr. Aayush Aanand and Mr.
Aaditya, Advs.

versus

**NATIONAL COUNCIL FOR TEACHER
EDUCATION**

.....Respondent

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal, Ms. Aishwarya Malhotra and
Ms. Tripta Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER (ORAL)

DINESH MEHTA, J.

CM APPL. 78493/2025 (Exemption)

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

LPA 763/2025, CM APPL. 78492/2025

3. Feeling aggrieved of the order of the learned Single Judge dated 24.11.2025, whereby, though he has issued the notices, but has allowed the proceedings pursuant to charge sheet to continue and made its final outcome the subject to the final outcome of the Writ Petition.
4. Learned Senior Counsel for the Appellant submitted that although the



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stay petition has not been formally disposed of, but the nature of the order which has been passed, literally disposes of the stay application.

5. He argued that the alleged incident or delinquency dates back to the year 2006 qua which the respondents had initiated the disciplinary proceedings and charge-sheeted him. He argued that there are hosts of judgments of Hon'ble the Supreme Court holding that the incidents that had taken place 10-15 years ago, cannot be made a basis for disciplinary proceedings. He also contended that the appellant was only a stenographer and had no power to take a decision and whatever order was passed, he had only ascribed or typed as dictated or directed by the signatory of the order.

6. While contending that the appellant has been made a scapegoat, he argued that the facts of the case warranted a complete stay of the proceedings before the disciplinary authority, as the same are *ex-facie* illegal and without jurisdiction.

7. Mr. Rupal, learned Senior Counsel for the Respondent opposing the appeal, at the outset submitted that the intra-court appeal in the instant case is not maintainable in light of judgment of Hon'ble the Supreme Court in the case of **Midnapore Peoples' Coop. Bank Ltd. & Others vs. Chunilal Nanda and Others** reported in (2006) 5 SCC 399. He invited Court's attention towards para no. 15 in this regard and also submitted that in any case, the matter is going to be listed before the learned Single Judge on 09.02.2026, hence, there is no urgency or requirement of staying the proceedings, as prayed.

8. Learned Senior Counsel however assured that he will ensure that a reply to writ petition is filed well within four weeks and the matter be finally heard by the learned Single Judge, subject of course to time constraints and



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priority of the other listed matters.

9. Having heard learned Counsel for the parties, and taking note of the fact that the incident on the basis whereof the disciplinary proceedings against the appellant, who was a Stenographer have been triggered relate to the year 2006, we feel that balance of equity and interest of justice warrants that the Respondent should not pass any final order until the disposal of the writ petition, lest the purpose of the writ petition would be defeated. Because, the appellant-writ petitioner has raised a jurisdictional issue and the very propriety of initiation of the proceedings.

10. The present appeal is therefore, disposed of by directing the disciplinary authority not to pass any final order (if so required), pursuant to disciplinary proceedings. It shall however be free to drop the proceedings or exonerate the writ petitioner, if so warranted.

11. Needless to observe that it shall be required of the Appellant to file a reply in relation to the memorandum of charges issued to him. The inquiry officer shall thereafter be free to continue with the disciplinary proceedings in accordance with law.

12. As the time for filing reply before the Respondent has since passed, we hereby direct that in case the petitioner files the reply by 31.12.2025, the same shall be taken on record by the competent authority.

13. With these observations, the appeal stands disposed of.

DINESH MEHTA, J

VIMAL KUMAR YADAV, J

DECEMBER 12, 2025/bj