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

+ **W.P.(C) 710/2026 and CM APPL. 3440/2026**

SHAFIQ MEMORIAL SR. SEC SCHOOL THROUGH ITS
MANAGER & ANR.

.....Petitioner

Through: Mr. Pritish Sabharwal, SC with Mr.
Shiv Chopra and MS. Mehvish Khan,
Advocates.

versus

MS. SXXXXXX NXXXXX & ORS.

.....Respondent

Through: Mr. Abhishek Budhiraja, Advocate
for R-1.
Mr. Yeeshu Jain ASC with Ms. Jyoti
Tyagi Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **19.01.2026**

CM APPL. 3441-3442/2026 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 710/2026 and CM APPL. 3440/2026

1. Various submissions have been made by Mr. Pritish Sabharwal, learned counsel, who appears on behalf of the petitioners. However, the facts of the case would indicate that on a complaint made by respondent no.1, the ICC was constituted and eventually had exonerated respondent no.2. Respondent no.1 then approached the Delhi School Tribunal (DST)



under the provisions of the Delhi School Education Act, 1973 and the DST *vide* the impugned order has set aside the finding of the ICC and has sent back the matter to the said committee for its *de-novo* inquiry.

2. Respondent no.2, who seems to be primarily aggrieved by the said order, has not filed any petition till date.

3. Mr. Sabharwal, learned counsel, who appears for the management of School, has raised various questions to indicate that the ICC had rightly conducted the inquiry and the Tribunal has no authority to entertain an appeal against an order of exoneration.

4. The Court, however, is of the opinion that if such a question emerges for adjudication, on an appeal or a petition, being preferred by the respondent no.2, the same shall be considered. However, at the instance of the management, such a grievance may not be entertained. The same would be an academic exercise, which normally the Court should eschew.

5. The petition, therefore, is dismissed on this short ground. Liberty however, is granted to the petitioner to raise all legal issues in case the aggrieved party lays the challenge to the impugned order.

PURUSHAINDRA KUMAR KAURAV, J

JANUARY 19, 2026

Nc/ amg