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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 75/2026**

NATIONAL TESTING AGENCY

.....Appellant

Through: Mr. Chetan Sharma, ASG, Ms. Pankhuri Shrivastava, Mr. Alekshendra Sharma, Mr. Amit Gupta, Mr. R.V. Prabhat, Mr. Shubham Sharma, Mr. Yashwardhan Sharma and Mr. Naman, Advs.

Versus

VIPIN KUMAR

.....Respondent

Through: Mr. Divyanshu Bhandari, Mr. Ankit Gupta and Mr. Ketan, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **16.02.2026**

CM APPL.10711-12/2026

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

LPA 75/2026 & CM APPL.10710/2026

3. Issue notice to the respondent, on whose behalf Mr.Divyanshu Bhandari, learned counsel has put in appearance and accepts notice.
4. Heard the learned counsel for the parties.
5. This Letters Patent Appeal seeks to challenge an order dated 12.02.2026 passed by the learned Single Judge in W.P.(C) 2032/2026 filed by the respondent against the order of repatriation dated 05.01.2026, whereby the operation of the said order which is impugned before the learned Single Judge



has been kept in abeyance till the next date of hearing.

6. It has been argued on behalf of the appellant that the respondent, by means of an order dated 05.01.2026 was repatriated to his parent department, namely Directorate of Technical Education, State of U.P., pursuant to which he has already submitted his joining in his parent department on 16.01.2026 in the afternoon and, therefore, the interim order staying the operation of the order of repatriation was not warranted.

7. On the other hand, learned counsel for the respondent submitted that the order under challenge being an interlocutory order, the appeal may not be entertained and further that once the order dated 12.02.2026 was passed by the learned Single Judge, the respondent has come back from Directorate of Technical Education, Kanpur, State of U.P. to submit his joining at National Testing Agency, the appellant, at Delhi. He has further stated that, in fact, the order of repatriation dated 05.01.2026 is clearly in teeth of Clause 9 of the Office Memorandum dated 17.06.2010 which has been noted by the learned Single Judge in the order under challenge, therefore, no interference in this appeal is warranted.

8. It is true that the order, which has been assailed by the appellant in this appeal is interlocutory in nature, however, we may not lose sight of the fact that pursuant to the repatriation order dated 05.01.2026, the respondent had already submitted his joining in his parent department, namely Department of Technical Education, State of U.P., on 16.01.2026 i.e., much prior to the order passed by learned Single Judge. This fact has not been denied by the learned counsel for the respondent. Learned counsel for the respondent has also stated after submitting his joining in his parent department, the respondent, has, even been working there.



9. In the aforesaid facts, in our opinion, it would have been more appropriate for the learned Single Judge to have afforded an opportunity to the appellant as well to make its submissions so far as the prayer for grant of interim relief is concerned.

10. As a matter of fact, now, since the respondent had already submitted his joining pursuant to the order of repatriation, in his parent department on 16.01.2026, staying the order of repatriation, at this juncture, may lead to certain administrative complications where two departments, namely the parent department as also the borrowing department will be involved.

11. Accordingly, without entering into the respective claims of the parties on merits, we request the learned Single Judge to expedite the proceedings of the writ petitions itself and decide the same as early as possible. To expedite the proceedings of the writ petition, we provide that 10 days' time will be available to the appellant, who is the respondent in the proceedings in the writ petition, to file their affidavit in reply whereupon the respondent, who is the petitioner before the learned Single Judge, will have a weeks' time to file its response thereto so that the matter is expeditiously decided, as requested above by us, at the earliest.

12. We also provide that till the decision of the writ petition, the order impugned herein, namely the order dated 12.02.2026 passed by the learned Single Judge shall be kept in abeyance.

13. We make it clear, in no uncertain terms, that any observation made by us in this order shall not be construed to be an expression of our opinion on the merit of the case of the respective parties.



14. The appeal stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

FEBRUARY 16, 2026

N.Khanna