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

+ W.P.(C) 10793/2020 and CM APPL. 33846/2020

DR. BIPIN BATRA

.....Petitioner

Through: Mr. M K Dutta, Sr. Adv. with
Mr. Archit Mudgal, Adv.

versus

NATIONAL BOARD OF EXAMINATIONS AND ANR

.....Respondents

Through: Mr. A.K BEHRA, Mr. Kirtiman
Singh, Sr. Adv. with Mr.
Waize Ali Noor, Mr. Shashi
Suman, Ms. Vidhi Jain, Mr.
Zillur Rahman, Adv. for R-1.
Mr. Puneet Rathi, Adv. for R-2.

(119)

+ W.P.(C) 10794/2020 and CM APPL. 33848/2020

DR BIPIN BATRA

.....Petitioner

Through: Mr. M K Dutta, Sr. Adv. with
Mr. Archit Mudgal, Adv.

versus

NATIONAL BOARD OF EXAMINATIONS AND
ANOTHER

.....Respondents

Through: Mr. A.K BEHRA, Mr. Kirtiman
Singh, Sr. Adv. with Mr.
Waize Ali Noor, Mr. Shashi
Suman, Ms. Vidhi Jain, Mr.
Zillur Rahman, Adv. for R-1.
Mr. Puneet Rathi, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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05.02.2026

1. After hearing learned counsel representing the parties, this Bench is of the considered view that unnecessary observations were made in the Order dated 04.07.2019 passed by the Central Administrative Tribunal ('CAT') in O.A. No.3095/2014 captioned ***Smt. Rashmi Munjal v. National Board of Examinatin & Ors.***



2. O.A. Nos.245/2014 and 3095/2014, filed by the Respondent No.2 before CAT, were rendered infructuous in view of the Order dated 05.10.2018 passed by the Appellate Authority setting aside the Order of the dismissal of the Respondent No.2 and further reinstating her while holding that she will be entitled to Pay and Allowance for the period spent 'out of service', subject to a certificate that, she was not in employment, business, profession or vacation during the period spent 'out of service'.

3. However, CAT, while disposing of the matter as infructuous, proceeded to make certain observations in Paragraph No.8 of the aforesaid Order dated 04.07.2019 passed in O.A. No.3095/2014. Keeping in view the aforesaid facts, the following observations made in the Paragraph No.8 of the said Order in both the Petitions, shall stand deleted:

"It appears that being in a dominant position, Dr. Batra had virtually misguided the inquiry and ensured that the charges are proved."

4. Needless to observe that the deletion of the aforestated observations would not affect the rights of the contesting parties and they shall be at liberty to avail the remedies in accordance with law.

5. In view of the foregoing directions, the present Petitions are disposed of.

6. A photocopy of the order passed today be kept in the connected matter.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 05, 2026

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