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

\+ LPA 638/2013

RAJNI SHARMA

.....Appellant

Through: Mr. Raj Kumar Sherawat, Adv.

versus

SCHOOL MANAGEMENT OF GURU HARKISHAN PUBLIC SCHOOL THR PRINCIPAL & MANAGER & ORS

.....Respondents

Through: Mr. Abinash K Mishra and Mr. Gaurav Kumar, Advs.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 07.04.2026

1. This appeal lays a challenge to the judgment dated 16.04.2013 passed by the learned Single Judge whereby the learned Single Judge has decided eight writ petitions. We have been informed that out of eight writ petitions, the order in one writ petition being W.P.(C) No. 8040/2011 became the subject matter of an Intra-Court appeal, whereby a Coordinate Bench of this Court has answered both the issues i.e., with respect to the suspension and also the preliminary enquiry initiated against the appellant therein and decided the same by setting aside the order of the learned Single Judge on suspension and upheld the preliminary enquiry. Since the issue before the Single Judge was identical in all the eight writ petitions, for parity of reasons, we shall decide this appeal by following the same.

2. Insofar as the first issue is concerned, the Coordinate Bench of this

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Court in paragraph 16 has set aside the impugned judgment of the learned Single Judge by stating as under:-

> *"16. We, therefore, set aside the impugned judgment of the learned Single Judge to the extent that it has rejected the petitioner's challenge to the order dated 30 September 2011 suspending her from service. Resultantly, the order of suspension would also stand quashed and set aside and WP (C) 8040/2011 filed by the petitioner before the learned Single Judge would stand allowed to that extent."*

3. Insofar as the second issue is concerned, the learned Single Judge in paragraph 17 has stated as under:-

> *"17. We are, however, not inclined to interfere with the decision of the learned Single Judge, insofar as he has not chosen to entertain the challenge to the preliminary enquiry. The school had clearly stated before the learned Single Judge that the preliminary enquiry was merely fact finding in nature and that, if disciplinary proceedings were to result, they would take place in accordance with the provisions of the Act. Mr. Arvind Kumar, learned Counsel for the appellant has not been able to show us any law or provision which could restrain the respondent from holding such a preliminary fact finding authority. To the extent that the writ petition challenged the holding of the fact finding authority, therefore, we uphold the decision of the learned Single Judge that the challenge was misconceived."*

4. We have been informed that against the subsequent action of the respondents terminating services, the appellant had approached Delhi School Education Tribunal, which has dismissed the challenge and the appellant is in the process of challenging the said judgment of the Tribunal before this

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Court.

5. For parity of reasons, we set aside the order of suspension. Any substantive relief would only enure to the appellant if she succeed in the challenge before the learned Single Judge against the order of Delhi School Education Tribunal.

6. As such, our decision on the order of suspension would be subject to the outcome of the challenge by the appellant against the order of her termination from service, which has been upheld by the Delhi School Education Tribunal.

7. In view of aforesaid position, we set aside the order of the learned Single Judge to the extent that the learned Single Judge has rejected the appellant's challenge to the order dated 13.11.2011 suspending the appellant from service. Resultantly, the order of suspension would stand quashed and set aside, and W.P.(C) 8055/2011 filed by the appellant herein before the learned Single Judge would stand allowed to that extent and dismissed to the extent that the challenge is made to the preliminary enquiry.

8. The appeal is disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

APRIL 7, 2026/sr

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