



2024:DHC:9298-DB

\$~45

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 741/2024, CM APPL. 9194/2025, CM APPL. 9195/2025,
CM APPL. 9196/2025 & REVIEW PET. 80/2025

AIR FORCE GOLDEN JUBILEE INSTITUTEAppellant
Through: Mr. J. Rajesh, Md. Arsalan
Ahmed, Mr. Jaitegan Khurana and
Mr. Yashwardhan Agarwal, Advs.

versus

RAJESH KUMAR RAVIRespondent
Through: Mr. Rajat Arora and Mr. Niraj
Kumar, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

% **ORDER**
03.04.2025

CM APPL. 9195/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 9196/2025 (Delay of 40 days in filing Review Petition)

3. This is an application seeking condonation of delay of 40 days in filing the review petition.
4. For the reasons stated in the application, the delay is condoned



and the application is allowed.

REVIEW PET. 80/2025 (Review of Judgment dated 26.11.2024)

5. This petition seeks review of judgment dated 26 November 2024 passed by this Court, dismissing LPA 741/2024.

6. Arguing the review petition, Mr. J. Rajesh, learned Counsel for the appellant/review petitioner, submits that, while passing our judgment dated 26 November 2024, we had proceeded on the premise that there was a violation of Rule 120(1)(d)(i), (ii) and (iv) of the Delhi School Education Rules, 1973¹. This conclusion was in turn premised on the assumption that the inquiry report, following the inquiry against the respondent, had not been furnished to him as required by Rule 120(1)(d)(i) and no show cause notice intimating him of the action proposed to be taken against him under Rule 120(1)(d)(ii) had been issued.

7. Mr. Rajesh fairly acknowledges the fact that, both before the learned Single Judge as well as before this Bench, he was unable to produce the document evidencing compliance with Rule 120(1)(d)(i) and Rule 120(1)(d)(ii). However, with this application, he has placed on record a communication dated 23 February 1993, as Annexure A-3, which, if it is a correct document, suffices as a notice under Rule 120(1)(d)(i) and Rule 120(1)(d)(ii) of the DSE Rules. He submits that this document was part of the record before the Delhi School

¹ "the DSE Rules", hereinafter



Tribunal² and that the DST, whom his client had approached in order to obtain a certified copy of the record, had stated that the record was no longer available with it. However, he submits that the entire record of the DST has now been traced from the record of the appellant/review petitioner. He has placed on record the indexed list of documents filed with the DST, which also makes reference to this communication dated 23 February 1993.

8. Mr. Rajat Arora, learned Counsel for the respondent, submits that this document is not a certified copy obtained from the DST and that, if it was genuine, there was no reason why it was not produced either before the learned Single Judge or before this Court in LPA. He submits that, in these circumstances, the document cannot constitute a basis for us to review our decision.

9. We might have been inclined to countenance the submission of Mr. Arora. However, Mr. Rajesh has drawn our attention to a further communication dated 11 March 1993 written by the respondent to the Chairman of the Managing Committee of the appellant institute, which purports, in its very opening paragraph, to be a reply to the letter dated 23 February 1993 received by the respondent. He submits that the letter dated 11 March 1993 was part of the record before the learned Single Judge and, therefore, that the respondent cannot seek to disown the letter dated 23 February 1993, even if the appellant/review petitioner had been remiss in filing the said document before the learned Single Judge and with the present LPA 741/2024.

² “the DST”, hereinafter



10. Mr. Arora, on being queried, acknowledges the fact that the letter dated 11 March 1993 was part of the record before the learned Single Judge. Even so, he continues to submit that this Court, in a review petition, cannot now enter into the correctness of the document dated 23 February 1993, which is being produced for the first time with the review petition.

11. In view of the fact that the respondent does not dispute the letter dated 11 March 1993, it would be for the respondent to explain the reference to the letter dated 23 February 1993, to which the said document purports to be a reply. In the absence of any such explanation being forthcoming from the respondent, this Court may have to consider whether the document dated 23 February 1993, filed with this application, does not deserve to be believed.

12. That would, in turn, entail the issue of whether, if the said document was actually part of the record of the DST and not placed on record by the respondent with the writ petition, the respondent could at all seek relief under Article 226 of the Constitution of India.

13. These matters, however, can be decided only after the response from the respondent on affidavit is available.

14. In these circumstances, issue notice, returnable on 1 September 2025.

15. Notice is accepted on behalf of the respondent by Mr. Rajat Arora.



2024:DHC:9298-DB

16. Reply, if any, be filed within four weeks with advance copy to learned Counsel for the appellant/review petitioner, who may file rejoinder thereto, if any, within four weeks thereof.

17. List the review petition for hearing and decision on 1 September 2025.

18. Mr. Arora submits that till the next date of hearing in this review petition, he would not press the contempt proceedings filed by him.

C.HARI SHANKAR, J.

AJAY DIGPAUL, J.

APRIL 3, 2025/AS

Click here to check corrigendum, if any