

CASE NO.:
Appeal (civil) 1982 of 2008

PETITIONER:
Rajni Sindhwani

RESPONDENT:
Central Board of Secondary Education & Ors

DATE OF JUDGMENT: 12/03/2008

BENCH:
TARUN CHATTERJEE & HARJIT SINGH BEDI

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO 1982 OF 2008
(Arising out of SLP) No. 9087 of 2006)

Leave granted.

This appeal is directed against the final order dated 9th of January, 2006 passed by the Division Bench of the High Court of Delhi in Letters Patent Appeal No.855 of 2004 by which the LPA was allowed and the writ petition allowed by the learned Single Judge of the High Court was rejected.

Having heard the learned counsel for the parties and after going through the materials on record, we are of the view that when the writ petition was entertained and allowed by the learned Single Judge, it was not proper for the Division Bench to dismiss the writ petition on the ground of delay and latches only. In that situation and in the facts of this case, LPA ought to have been heard by the High Court on merits. In this view of the matter, the order passed by the High Court is set aside and the matter is remitted back to the Division Bench of the High Court to decide the LPA on merits after giving opportunity of hearing to the parties. The appeal is allowed to the extent indicated above. There shall be no order as to costs.