



2025:DHC:5922-DB



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

*Date of decision: 21.07.2025*

+ LPA 457/2025

GURVINDER SINGH SAINI

.....Appellant

Through: Mr.Nikhilesh Kumar,  
Mr.Bhartendu Chaturvedi and  
Mr.Mahesh Kumar, Advs.

versus

SCHOOL MANAGEMENT OF GURU HARKRISHAN  
PUBLIC SCHOOL AND ORS

.....Respondents

Through: Mr.Abinash Kumar Mishra,  
Adv. for R-1 to R-3.  
Mr.Gaurav Dhingra and  
Mr.Shashank Singh, Advs. for  
R-4

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**NAVIN CHAWLA, J. (ORAL)**

**CM APPL. 43171/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**CM APPL. 43172/2025**

2. This application has been filed by the appellant seeking permission to file lengthy list of dates.

3. For the reasons stated in the application, the same is allowed.

4. The application stands disposed of.

**LPA 457/2025**

5. This appeal has been filed challenging the Order dated 26.05.2025 passed by the learned Single Judge of this Court in



W.P.(C) 404/2024, wherein the following question is to be considered on the next date of hearing:

*“5. On the next date of hearing, learned counsel on both sides are also requested to address on the question of whether the petitioner is entitled to avail of appellate remedies before the Tribunal in such a situation, and if so, whether the said remedy would be confined to the order of termination or, in the case of a composite order, the correctness of the minor penalty can also be adjudicated by the Tribunal.”*

6. The learned counsel for the appellant submits that it is no longer *res integra* that the correctness of an order imposing a minor penalty cannot be adjudicated by the Tribunal constituted under the Delhi School Education Act, 1973.

7. The learned counsel for the respondent no.4, who appears on advance notice, disputes the above submission.

8. We note that the Impugned Order has simply proposed the above question and has listed the matter for further hearing on 08.09.2025. The Impugned Order is, therefore, not a ‘judgment’ in terms of the judgment of the Supreme Court in *Shah Babulal Khimji v. Jayaben D. Kania*, (1981) 4 SCC 8, as it does not decide any issue, let alone issue of import for the appellant.

9. In view of the above, we find no merit in the present appeal. The same is, accordingly, dismissed.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**JULY 21, 2025/ns/SJ**