

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.13306 of 2015

Date of decision: 07.07.2015.

Anil Kumar

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes**
- 3. Whether the judgment should be reported in the Digest? Yes**

Present: Mr. Ajay Jain, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

The present writ petition has been filed for issuance of a writ in the nature of certiorari for quashing of order dated 12.06.2015, whereby, respondent No.3 has issued a show cause notice to the petitioner.

Learned counsel for the petitioner submits that the reply to the show cause notice has been submitted by the petitioner but instead of conducting any inquiry, a letter has been issued requiring personal appearance of the petitioner, which shows that the respondents have made up their mind to terminate his services. Neither any inquiry has been conducted with regard to genuineness of the certificate of the petitioner nor any finding has been recorded to the effect that the certificate is a bogus one. Learned counsel also submits that the case of the petitioner is covered by the ratio of

judgment of the Delhi High Court in **W.P.(C) No.5135 of 2003** titled as **Nek Mohammad vs. Union of India & Ors.**, allowed on **04.06.2010** as the petitioner in that case was having degree from the same institute. The petitioner is having apprehension that his services are likely to be terminated as is clear from the language of the letter of giving opportunity of personal hearing. Learned counsel also submits that the petitioner would be satisfied in case, the directions are issued to the respondents to consider the case of the petitioner in view of ratio of judgment in **Nek Mohammad's case (supra)** and till then no adverse order be passed.

Although no adverse order has been passed so far as only a show cause notice has been issued and reply of the petitioner has not been considered. Thereafter, an opportunity of personal hearing has been given to the petitioner vide letter dated 30.06.2015 wherein it has been mentioned that in case, the petitioner has some documents to show then he can submit the same.

Keeping in view the stage of the case, nothing can be said on merits but after going through the judgment passed by the Delhi High Court in **Nek Mohammad's case (supra)**, the present writ petition is disposed of with a direction to respondent No.3 to consider the judgment passed by Delhi High Court on the same issue in **Nek Mohammad's case (supra)** before passing any adverse order.

Disposed of accordingly.

07.07.2015
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(DAYA CHAUDHARY)
JUDGE