

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

CWP No.18826 of 2015(O&M)

Date of decision:12.8.2016

Mamta & anr.

... Petitioners

Versus

State of Haryana & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jasbir Mor, Advocate,
for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

Mr. Harish Nain, Advocate,
for respondents No.4 & 5.

RAJIV NARAIN RAINA, J.(Oral)

In the application filed by the private respondents under Article 226(3) of the Constitution of India praying for vacation of stay of order dated September 8, 2015, they have asserted that the petitioners have obtained the said interim order by concealing material facts. In paragraph 3 of the petition the following averments are made:-

“That petitioner No.1 is working in the college since 2nd September, 2013 as extension lecturer for subject of commerce and petitioner no.2 is working in the college since August 2013 as extension lecturer for subject of computer science in the Govt. College Narwana with respondent No.4.”

The Coordinate Bench considered this aspect and by order dated October 1, 2015 modified the stay order dated September 8, 2015 and directed the respondents to maintain status quo as was existing on

September 8, 2015. It was the respondents who were in position on the said date and the petitioners were not in service as Extension Lecturers to teach subjects for which they were appointed. There can be no doubt that the petitioner No 2 has actively [while petitioner No 1 passively, by signing the joint petition] withheld this material fact from court for which she deserves to be saddled with costs. Petitioner No.1 was admittedly working on the date the petition was filed and when the first interim order passed. Therefore, she is not guilty of suppression of facts. However, looking to the fact that petitioner No.2 is a lady and may not have fully understood the repercussions of what she said in para 3, this Court restrains itself from imposing costs by reason of suppression of material facts. Nevertheless, in the circumstances the interim order dated October 1, 2015 is made absolute and the petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

12.8.2016

monika

Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No