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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21668-2011 (O&M)

Date of decision : 20.11.2017

Vikas Miglani and another

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. J.S. Rana, Advocate
for the petitioner(s).

Mr. Anupam Gupta, Senior Advocate with
Mr. Siddharth Sharma, Advocate (*Amicus Curiae*).

Mr. Lokesh Sinhal, Addl. A.G., Haryana.

Ms. Loveinder Kaur, Advocate for
Mr. A.D.S. Bal, Advocate
for respondent No.6.

AJAY KUMAR MITTAL, J. (ORAL)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, *inter alia*, for issuance of a writ of *Certiorari*, quashing the notifications dated 27.05.2011 (Annexure P-10), 08.06.2011 (Annexure P-12) and 31.05.2011 (Annexure P-11). A further writ of *mandamus* has been sought for directing the respondents to make fresh appointments to the posts of Chairman and Members, by resorting to fresh procedure/process for inviting applications and determination of comparative merit through some High Level Selection Committee.

2. Learned counsel for the petitioners stated that during the pendency of the writ petition, the matter regarding the appointments of

Chairman and Members of the Haryana Tax Tribunal, which was later on extended to the appointments of Chairman and Members of Punjab Value Added Tax Tribunal as well as Chandigarh Value Added Tax Tribunal, has since been redressed as the appointments of Chairman and the Members of the Tax Tribunals are in the process of being made in consultation with Hon'ble the Chief Justice of Punjab and Haryana High Court. Accordingly, it was submitted that the present writ petition has been rendered infructuous and the same may be disposed of as such.

3. Learned *Amicus Curiae* does not dispute the fact that the writ petition has been rendered infructuous. However, it was prayed that the constitutional issues arising in this writ petition be left open to be adjudicated as and when occasion arises.

4. Accordingly, the present writ petition is disposed of as infructuous. It is, however, clarified that the Court has not expressed any opinion on the constitutional aspects, which have been raised in the writ petition and it shall be open to seek adjudication on these issues in an appropriate case, in accordance with law.

5. This order shall also dispose of the application bearing CM No.11966 of 2014.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

20.11.2017
Yogesh Sharma

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**