

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

207

CWP No.22346 of 2013 (O&M)

Date of Decision : 02.02.2017

Ashok Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. B.S.Rana, Senior Advocate with
Ms. Simranpreet Kaur, Advocate
for the petitioner.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

AJAY TEWARI, J. (Oral)

By this writ petition the petitioner has challenged the order whereby his services as Guest Faculty Lecturer (Hindi) were terminated.

The ground taken was that when he took admission in B.Ed he had falsely claimed to be a Scheduled Caste candidate.

Learned senior counsel for the petitioner has argued that in this regard an FIR was also lodged against the petitioner but he has been acquitted in that case and no inquiry of any kind was held by the department.

Learned Additional Advocate General, however, has argued that the petitioner being a Guest Faculty Lecturer no reasons were required to be recorded to terminate his services and his retention would also be dependent upon the number of students who may enroll in a particular year.

This argument may not suffice in the present case because the order by which his services were terminated reads as follows :-

“The abovesaid Guest Lecturer Ashok Kumar has written his Caste BC B (Ahir), at the time of appointment to which he belongs originally.”

A perusal of this extract leads to the conclusion that this is a stigmatic order and the same has been passed undoubtedly without issuing any notice or giving any opportunity of hearing to the petitioner.

In the circumstances, the impugned order is set aside giving liberty to the respondents to move in accordance with law. It is however, made clear that at this stage petitioner would not be entitled to any consequential benefits but in case after following the due process of law it is found that the order was incorrect then the petitioner would be entitled to the consequential benefit of re-instatement, in case the post is still available.

Let the necessary exercise be concluded within a period of six months from the date of receipt of a certified copy of this order.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

02.02.2017
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No