

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.132 of 2018

Date of Decision:-14.02.2018

Prof. Viney Kapoor Mehra.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Chetan Mittal, Senior Advocate assisted by
Mr. Puneet Gupta, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner was appointed as State Information Commissioner upon selection on 01.09.2016. The Petitioner who was earlier working as Professor and Head, Law Department, Guru Nanak Dev University, Amritsar was granted Extraordinary leave w.e.f. 08.09.2016 and extended till September 2019.

The grievance of the Petitioner is that he is being forced to resign from the post of Professor from his parent department and in the alternative is proposing to invoke the provisions regarding removal under Section 17 of The Right to Information Act, 2005 (for short Act, 2005) for declining to resign.

It is urged that in the light of the Petitioner being on extraordinary leave, her case for removal is not governed under any of the

provisions under Section 17 of the Act, 2005. He further submits that Petitioner would be considered to be fully eligible under the eligibility conditions provided in Section 15 as after having been appointed as State Information Commissioner, he has not pursued any profession, as concededly he is on extraordinary leave from his parent Teaching department. It is further averred in para 28 of the writ petition that identically situated persons have been permitted to join as members of other Commissions based on *para materia* provisions.

Without issuing notice of motion copy of the present petition was handed over to the State through Mr. Manoj Bajaj, Additional Advocate General, Punjab for examining the contentions.

Mr. Manoj Bajaj, learned Additional Advocate General, Punjab submits that the Government is alive to the issues raised in the present writ petition.

In view of the fact that no decision has yet been taken by the Government, therefore, the present writ petition based on apprehensions is premature. It is hoped that due consideration shall be accorded to the issues raised while pursuing and taking a decision by the Competent Authority, if any.

Disposed of as premature.

(JASWANT SINGH)
JUDGE

February 14, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>