

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

**LPA-1892-2018 (O&M)
Date of Decision: December 14, 2018**

Dharam Pal

...Appellant

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE.**

HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

**Present: Mr. Chiranshu Bansal, Advocate,
for the appellant.**

**Mr. Deepak Balyan, Addl. AG, Haryana,
for respondent Nos. 1 and 2.**

**Mr. Javed, Clerk,
O/o Basic Education Officer, Saharanpur,
for respondent Nos. 3 & 5.**

**Mr. Vishwajeet, Advocate,
for respondent No. 4.**

**Mr. Sanjeev Sharma, Senior Advocate, with
Ms. Aarushi Jain, Advocate,
for respondent No. 6.**

KRISHNA MURARI, C.J. (ORAL)

**On 05.12.2018, after hearing learned counsel for the appellant,
we passed the following order:**

***“ It is contended that one line impugned order
dated 17.11.2018 passed by learned Single Judge only
records that the operation and effect of order dated***

23.08.2017 shall remain stayed and the same virtually grants the final relief prayed for in the writ petition by way of an interim and, thus, is against the settled canons or principles of law. Prima-facie, from a perusal of record, there appears to be force in the submission and issue requires scrutiny.

Notice of motion.

Mr. Deepak Balyan, learned Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of respondents No. 1 and 2.

Steps be taken to serve respondents No. 3 to 6 through counsel who were appearing before the learned Single Judge.

Dasti.

List on 14.12.2018.

Till the next date of listing, effect and operation of the impugned order dated 17.11.2018 passed by learned Single Judge, shall remain in abeyance.”

In response to the notices, Mr. Javed, Clerk, from the office of Basic Education Officer, Saharanpur, for respondent Nos. 3 & 5; Mr. Vishwajeet, Advocate, for respondent No. 4; and Mr. Sanjeev Sharma, Senior Advocate, for respondent No. 6, have caused appearance.

Learned counsel appearing for the respondents found it difficult to assail the legality and validity of the order passed by the learned Single Judge, impugned in this appeal, since the same is not only *de hors*

any reason but also virtually grant the final relief prayed for in the writ petition.

In view of the settled law on this subject that final relief prayed for in the proceedings cannot normally be granted by way of interim, it is clear that the order impugned in this appeal, passed by the learned Single Judge, is liable to be set aside.

Accordingly, the appeal stands allowed and the impugned order dated 17.11.2018, passed by the learned Single Judge is set aside. From the record we find that the writ petition is already listed before learned Single Judge on 18.01.2019. The matter stands remitted back to the learned Single Judge to take a decision afresh in accordance with law after hearing learned counsel for the parties. In the wake of the urgency of the matter, we request learned Single Judge to pass appropriate orders as requested above, if possible, during course of the next working day.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

December 14, 2018

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Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO