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RA-CW-81-2017 in
CWP-4937-2014

Vinod Parkash Verma Vs. State of Haryana and others

Present: Mr. Narender Pal Bhardwaj, Advocate for the review applicant.
Mr. R.K. Doon, AAG, Haryana.

In the instant review application, applicant has sought for revival of the order dated 23.01.2017 to the extent that second prayer has not been considered. Second prayer in the writ petition reads as under:-

“ii) it is further prayed that the writ of Quo Warranto be issued to know the authority vested in Chief Minister and Education Minister Haryana to influence the departmental proceedings against private respondents whereby the dismissal order dated 20.11.2012 (Annexure P-1) of private respondents duly approved by the Hon'ble CM Hon'ble Minister of TCP & Education (attached with EM) and EM passed by the respondent no.1 were colorfully changed by respondent no.1 subsequently after thorough political interference from the office of the Chief Minister Haryana without verifying the facts and circumstances of the case upon which the private respondents were convicted by the Trial Court and their appeal was dismissed by the Hon'ble Appellate Court. Even the Rules and Instruction meant for delinquent employees, procedure prescribed under the relevant law in disciplinary matters were over-looked without taking into consideration that their conviction has not been suspended by the Hon'ble High Court in furtherance of all that respondent no.1 colourfully to reflect her conduct as legal one also directed the HPSC to review

its consent/advice dated 15.03.2013.”

Learned counsel for the review applicant submitted that insofar as writ of quo-warranto, petitioner has *locus standi*, therefore, order dated 23.01.2017 is required to be recalled and to be re-heard. Having regard to the aforesaid prayer relating to writ of quo-warranto, petitioner has not sought for ousting the private respondents from the post held by them pursuant to the reinstatement. For issuance of writ of quo-warranto, holder of the post must be ineligible with reference to rules of recruitment whereas counsel has not pointed out how private respondents are ineligible to hold post is not made out with reference to rules of recruitment. Therefore, prayer for writ of quo-warranto is not in order. Thus, there is no error apparent on the face of record. Consequently, question of reviewing the order dated 23.01.2017 read with the aforesaid prayer is not made out.

Accordingly, review application stands dismissed.

(P.B. BAJANTHRI)
JUDGE

May 30, 2018.
sandeep