

**RA-CW-9 of 2018 (O&M) in
CWP No. 24993 of 2017**

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

**RA-CW-9 of 2018 (O&M) in
CWP No. 24993 of 2017
Date of Decision: 23.01.2018**

Dr. Arvind Singh Tejawat

.....Petitioner

Vs.

Central University of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sumit Sangwan, Advocate,
for the applicant-petitioner.

Mr. Sajjan Singh, Advocate,
for respondents no. 1 to 3.

AMOL RATTAN SINGH, J. (ORAL)

By this application, the applicant-petitioner seeks a review of the order of this Court dated 19.12.2017, by which the petition had been dismissed.

Learned counsel for the applicant-petitioner submits that even at the time when notice was issued by this Court in the petition on 03.11.2017, it had been duly noticed that as per the contract between the petitioner and the respondent University, it would not be the Vice-Chancellor but the Executive Council (of the University) that should have actually even appointed a 'Fact Finding Committee', especially in the circumstance that the Vice-Chancellor would be seemingly prejudiced, in view of the allegations made.

He also submits that this was a specific stand taken by the petitioner in the writ petition itself.

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He submits that while dismissing the petition subsequently, however, this Court has omitted to see that the 'Fact Finding Committee' was actually appointed by the Vice-Chancellor without the approval of the Executive Council and therefore the order dismissing the petition reveals an error patent on the face of the record.

Learned counsel further relies upon a judgment of the Supreme Court in **S. Parthasarathi vs. State of Andhra Pradesh** AIR 1973 SC 2701, to contend that a person who has levelled allegations, obviously cannot be a judge in his own cause.

He submits that therefore, the Vice-Chancellor having made the allegations against the petitioner and thereafter having appointed a 'Fact Finding Committee' himself to enquire into the allegations, the appointment of that Committee itself was vitiated and hence, the petition should as a matter of fact have been allowed.

He reiterates that 'justice not only has to be done but also has to be seen to be done.'

Having considered the aforesaid arguments, though undoubtedly learned counsel is absolutely correct that a person should not be a judge in his own cause, and therefore to that extent appointment of a 'Fact Finding Committee' by the Vice-Chancellor, whose findings were eventually accepted, would be seen to be an obvious prejudice cause to the petitioner; however, as already noticed in the judgment of this Court dated 19.12.2017, the report of the 'Fact Finding Committee' was actually accepted by the disciplinary authority, i.e. the Executive Council, which in the opinion of this Court, would amount to an *ex post facto* sanction of the appointment of the Committee itself.

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If the Executive Council had any reservations on the constitution of the 'Fact Finding Committee' by the Vice-Chancellor, it would not have accepted the finding of that Committee and it would have in fact directed the Vice-Chancellor to either appoint a different Committee, or would have proceeded to appoint such Committee itself.

That not having been done by the disciplinary authority, I see no reason to review the aforesaid judgment, and consequently, this application is dismissed.

January 23, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes