

Sr. No. 206

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

**CWP No.1312 of 2014 (O&M)
Date of Decision: 07.01.2019**

Sunil Lamba

... Petitioner

Versus

Deputy Commissioner Hisar and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. K.D.S.Hooda, Advocate,
for the petitioner.

Mr. Amrit Paul, Advocate,
for respondents No.1, 3 and 4.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Gunjan Mehta, Advocate,
for respondent No.5.

ARUN MONGA, J.(ORAL)

The present writ petition has been filed for issuance of a writ in the nature of certiorari to quash the impugned order dated 12.07.2013 (Annexure P-5) passed by the Deputy Commissioner, Hisar in his capacity as Administrator of Jat Education Society, Hisar. The petitioner is the life member of the Jat Education Society had issued an order dated 24.10.2011 (Annexure R-5/1) at the relevant time in his capacity as President of the Governing Body of C.R. College of Education, Hisar which is under the Management and Control of Jat Education Society. Vide said order, charge-sheet was issued to respondent No.5 who was serving as

Associate Professor in the College and pursuant thereto an inquiry was conducted and inquiry report dated 14.02.2012 (Annexure P-3) was furnished. In the meanwhile, the society was taken over by respondent No.1, who in his capacity as Administrator passed the impugned order dated 12.07.2013 (Annexure P-5) whereby the charge-sheet issued by the petitioner was filed and proposed disciplinary proceedings were dropped.

2. Aggrieved against the said order dated 12.07.2013 passed by the Administrator-respondent No.1, the petitioner has invoked the writ jurisdiction of this Court. At the very outset, learned counsel for respondents No.1, 3 and 4 has objected to the locus standi of the petitioner to file the present writ petition. He has vehemently opposed the filing of the petition as petitioner is in no manner aggrieved/prejudiced by the action taken by respondent No.1 in his capacity as Administrator. He further contends that neither the Governing Body of the College nor the members of the Society by way of any resolution have authorised the petitioner to challenge the order passed by the Deputy Commissioner/Administrator of the Society.

3. Per contra, learned counsel for the petitioner contends that he was the President of the Governing Body of the College at the relevant time, therefore, he is well within the right to defend his decisions. In any case, it is a conceded position that the present petition has been filed without any resolution authorizing the petitioner to impugn the decision of respondent No.1-Administrator. Neither the Governing Body of the College nor the

other members of the Society have given any authority/resolution to the petitioner to file any such petition.

4. I am of the view that the petitioner has no locus standi to file the present petition in his personal capacity. The present petition is, therefore, dismissed as being not maintainable.

07.01.2019

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No