

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

103+293

CM No.15321-CWP of 2019 in/and
CWP No.20788 of 2019

Date of Decision : 16.10.2019

Meenakshi College of Education, Village Motuka,
Tehsil Ballabgarh, District Faridabad.

....Petitioner

v/s

Ch. Ranbir Singh University and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Praveen Gupta, Advocate for the petitioner.
Mr. Rishab Gupta, Advocate for respondent Nos.1 & 2.
Mr. Sandeep Jasuja, Advocate for respondent No.3.

B.S. Walia, J. (Oral).

CM No.15321-CWP of 2019

Allowed, as prayed for.

Replication is taken on record.

CWP No.20788 of 2019

[1] Prayer in the writ petition is for the issuance of a writ of certiorari for quashing order (Annexure P-12) dated 11.07.2019, passed by respondent Nos.1 & 2 disaffiliating the petitioner-College and imposing a fine of Rs.2,00,000/-.

[2] Sole argument of learned counsel for the petitioner is that the impugned order has been passed on the basis of complaint's dated 21.12.2018 (attached to show cause notice Annexure P/7 dated

23.01.2019) besides complaint Annexure R-2 (Colly) dated 03.07.2019, as also inspection of the petitioner-Institute carried out by the respondent-University on 22.07.2018 but the show cause notice Annexure P/7 dated 23.01.2019 was given without supplying a copy of the inspection report Annexure R/1 dated 22.07.2018 despite the fact that the impugned order was passed primarily on the basis of the inspection carried out by the respondent University vide Annexure R/1 dated 22.07.2018 and the shortcomings noticed by the Inspection Committee, besides complaints Annexure R/2 (colly) dated 03.07.2019 therefore the petitioner was prejudiced in not being able to submit an effective reply. Learned Counsel contends that in the circumstances the impugned order Annexure P/12 dated 11.07.2019 is liable to be set aside and the petitioner be granted opportunity to file reply/objections by addressing the shortcomings recorded in the inspection report Annexure R/1 dated 22.07.2018 as well complaints Annexure R/2 (Colly) dated 03.07.2019 besides complaint dated 21.12.2018.

[3] Learned counsel for the respondent-University has not been able to dispute that inspection report Annexure R/1 dated 22.07.2018 as also complaints Annexure R/2 (Colly) dated 03.07.2019 were taken into account while passing the impugned order but the said material was not supplied to the petitioner along with the show cause notice Annexure P/7.

[4] I have considered the submissions of learned counsel. In fact complaints Annexure R/2 (Colly) dated 03.07.2019 could not have been

supplied to the petitioner along with the show cause notice Annexure P/7

dated 23.01.2019 for obvious reasons. Therefore, since the impugned order was passed on the basis of material which includes amongst other material, inspection report Annexure R/1 dated 22.07.2018 as well as complaints Annexure R/2 (Colly) dated 03.07.2019, it was incumbent on the respondent-University to have furnished a copy of the said material to the petitioner before taking the same into account for passing the impugned order. The same not having been done, the writ petition is liable to be allowed, impugned order set aside and the respondent University directed to take a fresh decision on the basis of objections to be filed by the petitioner to the show cause notice as also complaints dated 21.12.2018, Annexure R/2 (Colly) dated 03.07.2019 as well as inspection report Annexure R/1 dated 22.07.2018.

[5] Accordingly, in the light of the position as noted above, the impugned order is set aside. The petitioner shall furnish objections to the show cause notice, complaint dated 21.12.2018 as well as Annexure R/2 (Colly) dated 03.07.2019 besides inspection report Annexure R/1 dated 22.07.2018 as expeditiously as possible. On receipt of reply/objections, the respondent-University would take a decision on the same as expeditiously as possible.

[6] At this stage, learned counsel for the petitioner states that due to time constraints on account of last date for counselling scheduled for 21.10.2019, the petitioner would submit the reply/objections by 3.00 p.m. on 17.10.2019 and the respondent-University be directed to take a

decision on the same within a time bound manner after giving personal hearing to the petitioner.

[7] Learned counsel for the respondent-University states that in case of receipt of reply/objections by 3 p.m. on 17.10.2019, the respondent-University would take steps to take a decision on the reply/objections before the last date for counseling i.e. 21.10.2019. Needless to mention, further course of action in the matter would be subject to the outcome of the decision by the respondent University. The same satisfies learned counsel for the petitioner.

[8] Accordingly, the writ petition is allowed as above.

[9] On request of learned counsel for the parties, copy of this order be given under the signatures of Bench Secretary.

(B.S. Walia)
Judge

October 16, 2019

'Rajneesh'

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No