

CWP-25069-2019

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

**CWP-25069-2019
Date of decision : 10.09.2019**

Brijender Singh Dhillon

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Gunjan Mehta, Advocate
for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Nilesh Bhardwaj, Advocate
for respondent Nos.2 to 5.

AMIT RAWAL, J. (ORAL)

Notice of motion.

On asking of the Court, Mr. R.K. Doon, AAG, Haryana,
accepts notice on behalf of respondent No.1/State and Mr. Nilesh Bhardwaj,
Advocate, who is present in Court, accepts notice on behalf of respondent
Nos.2 to 5/University.

Petitioner has approached this Court seeking following relief:-

*"Civil Writ Petition under Articles 226/227 of Constitution of
India praying for the issuance of a writ in the nature of
mandamus directing the Respondent-University not to act upon
and consider the Ex-Parte enquiry report of the Enquiry*

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Officer Sh. R.P. Bhasin as communicated vide Annexure P-14 dated 21.08.2019 for the reason of request of the petitioner (Annexure P-11 dt. 14.05.19, Annexure P-13 dt. 05.07.19. Annexure P-15 dt. 22.08.19.) to change the enquiry Officer being pending with the respondent Vice Chancellor/University, vide various representations for the reason of bias as the enquiry officer is a Respondent in Civil Writ Petition No.3600 of 2019 (Annexure P-8/A dt. 04.02.19) filed by the petitioner in which the preliminary enquiry conducted by Sh. RP Bhasin enquiry officer is under challenge and interim order (Annexure P-8/B dt. 03.04.19) has been granted in favour of the petitioner.

Any other writ, order or direction may kindly be passed as this Hon'ble Court may deem fit in the peculiar facts and circumstances of the present case."

Mr. S.K. Garg Narwana, learned Senior Counsel assisted by Mr. Nilesh Bhardwaj, learned counsel for the respondent(s)/University, on instructions from Mr. Varun Sharma, ADA, submits that the University is not averse to change the Enquiry Officer, namely, R.P. Bhasin and shall appoint new Enquiry Officer, who is on the panel of the Government of Haryana and comply with the principles of natural justice in respect of charge-sheet No.ME-I/A-I/2018/9103, dated 12.08.2018.

Mr. Gunjan Mehta, learned counsel appearing on behalf of the petitioner submits that in view of the aforesaid statement, the contents of letter dated 21.8.2019 (Annexure P-14), disclosing the conclusion of the Enquiry Report, may be set aside, much less, any other proceedings.

Keeping in view the stand taken by the University/respondent(s), Annexure P-14, dated 21.08.2019, is hereby set aside and the respondents(s)/University is directed to appoint new Enquiry Officer, who shall proceed in accordance with law.

With the aforesaid observations, present writ petition stands disposed of.

10.09.2019
Yogesh Sharma

(**AMIT RAWAL**)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No