

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

CWP-32964-2019

Date of decision: 18.11.2019

Bhagwan Singh

.....Petitioner

vs.

Kurukshetra University, Kurukshetra and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. S.S. Kharb, Advocate,
for the petitioner.

Mr. Prateek Mahajan, Advocate with
Ms. Baani Chhiber Mahajan, Advocate,
for the respondents.

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Sanjay Kumar, J. (ORAL)

Challenge in this writ petition is to the relieving order dated 08.11.2019 (Annexure P-6) issued by the Kurukshetra University, the first respondent, whereby the petitioner, who was appointed as a Clerk in Schedule Caste Category in the Accounts Branch of the University, was relieved from his duties w.e.f. 08.11.2019 upon his appointment being withdrawn.

Perusal of the record reflects that the petitioner submitted his on-line application for the post clearly stating 'No' against the entry 'Are you Ex-Serviceman (ESM/DESM/DFE) of Haryana'. The word 'DESM' stands for 'Dependent of Ex-Serviceman'. However, the impugned relieving order dated 08.11.2019 states to the effect that the

petitioner had claimed the benefit of being a dependent of an Ex.Serviceman under Schedule Caste Category but later on, before submitting the form, he selected 'No' against the said column. The order further records that due to this alteration, the petitioner was offered the post of Clerk against a category to which he did not belong, viz, Schedule Caste (Dependent of Ex-Serviceman) Category. It is on this basis that the University withdrew the appointment and relieved him from service. This action was resorted to without putting the petitioner on notice.

This Court is at a loss to understand as to how the University could have been aware of any corrections made by the petitioner before the actual submission of his application form on-line. Unless and until such an application is submitted by the candidate, it would not be binding either on the candidate or upon the University. The University however admits to the fact that the submitted form does not disclose the petitioner claiming any benefit as a 'Dependent of Ex-Serviceman'. He is stated to have said 'No' against the relevant column. Therefore, the impugned relieving order, which seems to impute an allegation against the petitioner to the effect that he claimed benefit wrongfully, cannot be countenanced. All the more so, as such a finding was rendered without even putting the petitioner on notice, in clear violation of the principles of natural justice. The order dated 08.11.2019 is accordingly set aside. The writ petition is allowed. As the relieving order dated 08.11.2019 has been set aside, the petitioner is

deemed to be continuing in service. However, this order shall not preclude the University from initiating action afresh against the petitioner in accordance with due procedure and the principles of natural justice, if warranted on facts.

No order as to costs.

(SANJAY KUMAR)
JUDGE

18.11.2019

rakesh

whether speaking/non speaking : *Yes/no*

whether reportable/non reportable : *Yes/no*