

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

112

CWP-9831-2020

Date of Decision : July 15, 2020

ANITA

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Rakesh Sobti, Advocate
for the petitioner.

Ms. Lavanya Paul, AAG, Punjab.

NIRMALJIT KAUR, J. (Oral)

The prayer in the present writ petition is for quashing of the order dated 17.12.2019 (Annexure P-14) as well as the letter dated 9.7.2020 (Annexure P-17) whereby a decision has been taken by the respondents to not allow the petitioner to continue in service on the post of Art and Craft Teacher and the cancellation of the appointment has been recommended without taking into consideration the merit position of the petitioner and without following the principle of natural justice as also by ignoring the merit of the petitioner.

A perusal of the impugned order Annexure P-14 shows that the petitioner was required to submit his reply to the notice dated 17.12.2019. The petitioner duly submitted his reply on 21.12.2019, which is placed on record as Annexure P-15. Thereafter, the respondents issued another letter dated 9.7.2020 Annexure P-17 directing the

petitioner to appear for personal hearing on 13.7.2020 but before the petitioner could appear for hearing, she filed the present writ petition and the same has come up for hearing only today i.e. 15.7.2020. Meanwhile, the petitioner is stated to have participated in the personal hearing.

The grievance of the petitioner is two fold.

It is contended that the earlier impugned order dated 17.12.2019 shows that the respondents had already taken a decision to cancel the appointment. Even Annexure P-17 dated 9.7.2020 shows that the Higher Officials have already taken a decision and have recommended for cancellation of the appointment. In these circumstances, the filing of the reply and personal hearing is only a mere formality.

A perusal of both the orders Annexures P-14 and P-17 speak for themselves. It is evident that some kind of decision and recommendations have already been made even prior to the issuing of the alleged notice dated 17.12.2019 for filing reply and letter dated 9.7.2020 granting personal hearing.

Be that as it may, it is otherwise admitted that no final order has been passed by the appropriate authority.

Accordingly, at this stage, the writ petition is disposed of with a direction to the appropriate authority to take a final decision only after considering the reply and the personal hearing which has already been granted and shall not be biased by the alleged recommendation made by some authority for cancelling the appointment of the petitioner.

This Court has no doubt that all the contentions as raised herein in the present writ petition shall also be taken into consideration before taking a final decision by way of a speaking order. The petitioner will be at liberty to challenge the said decision/speaking order in case the said decision or speaking order is not favourable or adverse to the petitioner.

July 15, 2020
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No