

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

CWP No.14326 of 2020

Date of Decision: September 14, 2020

Sabir Hussain

...Petitioner

VERSUS

Director General Higher Education, Panchkula and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Namit Kumar, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

The present petition has been filed for issuance of a writ in the nature of certiorari for quashing the impugned order dated 04.12.2019 (Annexure P-10), whereby services of the petitioner have been ordered to be terminated during the period of probation by passing punitive and stigmatic order and order dated 02.09.2020 conveyed vide letter dated 05.09.2020 (Annexure P-16), whereby his appeal against the order of termination has been rejected by respondent No.1.

Notice of motion to respondent No.1.

Mr.Kapil Bansal, DAG, Haryana, accepts notice on behalf of the respondent-State.

The petitioner was selected as Assistant Professor in Chemistry

and he joined on the said post on 15.12.2017. However, during the probation period, his services were dispensed with by respondents-College. It is the grievance of the petitioner that opportunity of hearing had not been given to him. The assertion of the respondents is that at the time of filing of the application for his selection to the post of Assistant Professor in Chemistry, two certificates (NCC and Sports certificate) had been annexed and those were found bogus and on this score, services of the petitioner have been terminated vide order dated 04.12.2019 by respondent No.2. Even, appeal filed by the petitioner before respondent No.1 has been dismissed vide order dated 02.09.2020.

It is now submitted by learned counsel for the petitioner that the petitioner has not attached any such certificates, which are so stated to be bogus. Even, in the appeal/representation, which is Annexure P-11, against the impugned order of termination dated 04.12.2019, in paragraph No.5, sub para 'd', there is specific mention made about the certificates of NCC and Sports not attached with the application for the post of Assistant Professor in Chemistry on 12.07.2017. However, in the impugned order, there is no mention about the same. Besides the same, it is also pertinent to mention that while deciding the appeal, no opportunity of hearing, as such, was given. Though, date and time was fixed, intimation whereof was given to the petitioner but however, one day earlier, time was changed and the petitioner, as such, expressed his limitation for making appearance before concerned authorities. However, despite the same, the impugned order dated 02.09.2020 was so passed.

Also, perusal of the order dated 02.09.2020, vide which the

General Higher Education, Panchkula, shows that there is no mention made about the grievance of the petitioner, which he has mentioned in the appeal, thereby stating about questionable certificates relating to NCC and Sports, not to have been submitted or annexed with the application while applying for the post of Assistant Professor. Even, no other grounds, as so stated in the appeal, have been discussed in the impugned order dated 02.09.2020.

In the light of the same, the impugned order dated 02.09.2020 is hereby set aside with the direction to respondent No.1 to decide the appeal afresh after giving opportunity of being heard to the petitioner and also to look into the the assertions so made by the petitioner in the appeal/representation (Annexure P-11) and to pass fresh speaking order in accordance with law, within a period of four weeks.

It is also stated at bar by learned counsel for the petitioner that stay has already been granted by the authorities vis-a-vis termination order dated 04.12.2019. Therefore, the same shall continue till the decision of the appeal afresh, as ordered above.

The present petition stands allowed in above terms.

However, it is made clear that that above observations are circumscribed only for the purposes of disposal of the present petition and shall not be construed as expression on merits relating to claim of the petitioner.

(ARCHANA PURI)
JUDGE

September 14, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No