

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

CWP No.27099 of 2016
Date of Decision : 28.02.2020

Rao Lal Singh College of Education

...Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. D.S. Patwalia, Sr. Advocate with
Mr. A.S.Chadha, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Akshay Bhan, Sr. Advocate with
Mr. A.S. Talwar, Advocate for respondent No.3.

B.S.WALIA, J. (Oral)

1. Prayer in the petition under Articles 226/227 of the Constitution of India is for the issuance of a writ of Certiorari for quashing order Annexure P/7 dated 09.12.2016 passed by respondent No.1 dismissing the revision filed by the petitioner under Section 11 of the Haryana Affiliated Colleges (Security of Service) Act, 1979 and upholding order Annexure P/5 dated 16.04.2016, passed by respondent No.2 holding the compulsory retirement of respondent No.3 to be punitive, therefore, requiring prior approval of the Director, Higher Education, Haryana, in terms of Section 7 of the Act.

2. During the course of hearing, learned Sr. Advocate for the petitioner assisted by Mr. A.S. Chadha, Advocate contended that the findings recorded by the Director, Higher Education, Haryana, in order

Annexure P/5 dated 16.04.2016 qua removal of respondent No.3 was a cryptic conclusion.

3. Faced with the aforementioned situation, learned Sr. Advocate for respondent No.3, assisted by Mr. A.S. Talwar, Advocate states that he has no objection in case impugned orders Annexure P/5 and P/7 dated 16.04.2016 and 09.12.2016 are set aside and the matter remanded to the Director, Higher Education, Haryana, to pass a fresh orders in accordance with law in a time bound manner.

4. The same satisfies learned counsel for the petitioner.

5. In the light of the position as noted above, impugned orders Annexures P/5 and P/7 dated 16.04.2016 and 09.12.2016 are set aside and the matter remanded to respondent No.2 to pass a fresh order, in accordance with law, after complying with the principle of natural justice, as expeditiously as possible, preferably within two months from the date of receipt of certified copy of this order.

(B.S.WALIA)
JUDGE

28.02.2020

rajesh.k.khurana

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