

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

CWP No.20700 of 2020

Date of Decision:03.12.2020

Rakesh Kumar

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Shalender Mohan, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.AG., Haryana.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner has approached this Court for quashing of notice dated 16.11.2020 (Annexure P-14) issued by the Commissioner, Sirsa, asking the petitioner to show cause in respect to the report received from the Barkatullah Vishwadayala, Bhopal (Formerly Bhopal University, Bhopal) Madhya Pradesh, in regarding validity or genuineness of the Bachelor's degree held by the petitioner.

It is submitted that the petitioner had earlier been issued notice dated 17.03.2020 (Annexure P-9) regarding verification of his Bachelor's degree. The petitioner had approached this Court by way of CWP No. 7996 of 2020, which was disposed of on 11.06.2020 (Annexure P-11) with a direction that the petitioner be permitted to submit his defence upto 15.09.2020, during which period the petitioner may gather requisite information either by going to Barkatullah University personally or sending somebody else or through RTI or some other means. The situation, which

has arisen due to outbreak of the pandemic COVID-19, was taken into account and it is further observed that no adverse order would be passed against the petitioner on the basis of the alleged verification report, according to which the B.A., examination certificate submitted by the petitioner, were reported to be not matching with the university record. It is submitted that the petitioner thereafter approached the university authorities bringing all relevant facts to their notice to indicate that the petitioner had indeed taken his examination from the said university in accordance with the rules and regulations. The petitioner also approached the High Court of Madhya Pradesh by way of WP No. 12357 of 2020.

Learned counsel for the petitioner refers to order dated 31.08.2020 in the said writ petition attached as Annexure P-12. It is submitted that despite knowledge of all these facts, respondent authorities have yet again issued notice dated 16.11.2020 and it appears that they have made up their mind to take punitive action against the petitioner without taking into account the facts and circumstances as above. Hence, this writ petition.

I have heard learned counsel for the parties and have gone through the file with their assistance.

It is not denied that the petitioner has approached this Court challenging show cause notice dated 16.11.2020. Reply to the show cause notice has not been filed by the petitioner till date. Keeping in view the facts and circumstances as above, in my considered opinion, the present writ petition is premature. It is open to the petitioner to approach the authorities and apprise of the entire facts and circumstances as are mentioned in the writ petition.

Mr. Ashish Yadav, Addl.AG., Haryana, to whom an advance

copy of the writ petition has been supplied, submits that even if the petitioner submits his reply within a period of one week, the same shall be considered in accordance with law before action, if any, is taken against the petitioner.

Keeping in view the aforesaid, this writ petition is disposed of with a direction to the Competent Authority, that in case, the petitioner submits his reply to notice dated 16.11.2020 within one week, the Competent Authority, shall take the same into consideration before proceeding further in this matter.

03.12.2020

s.khan

**[LISA GILL]
Judge**

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