

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

**CWP-6748-2022 (O&M)
Date of Decision:02.12.2022**

Maharishi Dayanand Educational Society

...Petitioner

VS

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rakesh Nehra, Senior Advocate with
Ms. Himani Anand, Advocate and
Mr. Sauhard Singh, Advocate
for the petitioner.

Mr. Samarth Sagar, Addl. A.G., Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner is a society running a Nursing institute. The institute was established after issuance of Essentiality Certificate by the State and grant of affiliation by respondent No.3. The affiliation was renewed annually thereafter. In the year 2019, a dispute arose within the management allegedly on account of the illegal activities of Sh. Sushil Kumar, Vice-Chairman. As a result, said Sh. Sushil Kumar submitted an application for cancellation of No Objection Certificate issued to the petitioner and for carrying out an inspection without previous notice so that the shortcomings in the infrastructure may be highlighted. Inspection was conducted on 24.03.2020 whereafter a show-cause notice was issued. During the course of proceedings, a noting was made recommending withdrawal of Essentiality Certificate. However, the Government did not approve the recommendation and ordered a fresh inquiry. Inquiry report dated 26.07.2021 was prepared based on which the Essentiality Certificate granted in 2012 was withdrawn.

The case of the petitioner is that withdrawal of the Essentiality

Certificate is illegal as copy of the inquiry report was never supplied to the petitioner nor any opportunity of hearing was granted. Thus, the relevant record was called for.

Today, the record has been produced upon perusal of which learned State counsel has very fairly stated that the copy of the inquiry report was never supplied to the petitioner nor was any opportunity of hearing granted to it before passing the order.

It is thus evident that the impugned order has been passed in violation of the principles of natural justice. Accordingly, it is not sustainable in law.

The writ petition is allowed and impugned order dated 27.12.2021 is quashed. As a result, the petitioner would have all the rights available to it.

The respondents shall however have the liberty to pass a fresh order after complying with the principles of natural justice.

Misc. application(s) if any, also stands disposed of.

(SUDHIR MITTAL)
JUDGE

December 02, 2022
P.Bhatt

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