

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

113

CWP-16407-2022

Date of decision : 29.07.2022

Mukesh Yadav

... Petitioner

Versus

Pt. B.D. Sharma University of Health Sciences, Rohtak

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Rajesh Khandelwal, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the show cause notice dated 18.07.2022 (Annexure P-4) whereby he has been asked to show cause why his services be not terminated.

Learned counsel for the petitioner submits that the petitioner has been duly selected for the post of Clerk in the physically challenged category consequent to the advertisement issued by the respondent in the year 2018. He has been working for over three years and his work and conduct has been satisfactory. The show cause notice is misdirected inasmuch as the petitioner was entitled to five marks on account of socio-economic criteria as no family member of the petitioner was in a Government/Public Sector Undertaking job. In terms of the notification issued by the State Government on 30.12.2021 (Annexure P-6), it has been clarified that the definition of family would include unmarried brother and therefore, it is implicit that the married brother would not fall under the definition of family for the purpose of grant of five marks on account of socio-economic criteria. He also submits that till the final decision

is taken after considering the reply of the petitioner to the show cause notice, his services would not be dispensed with.

Issue notice to the respondent.

Mr. Nilesh Bhardwaj, Advocate has put in appearance on behalf of the respondent and submits that the petition is premature as only a show cause notice has been issued to the petitioner and he may submit his reply which would be considered before passing a final order in accordance with law.

Heard.

The petitioner has impugned the show cause notice (Annexure P4) but the respondents are yet to finally decide the matter.

Consequently, the petition is disposed of with a direction to the respondent to consider the reply of the petitioner to the show cause notice which shall be submitted by him within a period of one month from now and pass a speaking order thereon in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

July 29, 2022

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