

Sr.No.101+201

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

**CM-2491-CWP-2021 in/and
CWP No.18118 of 2014(O&M)
Date of decision:25.07.2022**

Jai Parkash

... Petitioner

versus

State of Haryana and others

... Respondents

Coram: Hon'ble Mr. Justice Raj Mohan Singh

Present: Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Vivek Chauhan, Addl.AG, Haryana with
Mr. Arvind Seth, Advocate.

Mr. R.K.Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate for respondent No.5.

Raj Mohan Singh, J.(Oral)

CM-2491-CWP-2021

This is an application under Section 151 CPC for
placing on record retirement order dated 31.12.2020 of
respondent No.5.

For the reasons mentioned in the application,

retirement order dated 31.12.2020 of respondent No.5 is taken on record subject to all just exceptions.

CWP No.18118 of 2014

Petitioner has claimed in the writ petition that respondent No.5 was not possessing essential qualification as per statutory rules for his appointment to the post of Director/Principal of respondent No.4. The stand taken by respondents No.1 and 4 in para No.6 of the written statement is sought to be refuted by learned counsel for respondent No.5 on the basis of communication dated 07.06.2019 issued by the Regional Chief Secretary, Government of Haryana to Director General Technical Education Department, Haryana in respect of appointment as Director/Principal of respondent No.4. On the basis of aforesaid communication, learned counsel for respondent No.5 submits that the appointment of respondent No.5 does not attract any action as per the judgment of the Hon'ble Apex Court.

Be that as it may, since respondent No.5 has retired

from service with effect from 31.12.2020, therefore, the prayer as

regards the issuance of *quo warranto* has become infructuous.

No such writ can be issued after retirement of respondent No.5.

Learned counsel for respondent No.5 places reliance upon order dated 04.05.2022 passed in *CWP No.3758 of 2019* titled as *Vijay Joon vs. State of Haryana and others*.

In view of aforesaid factual position, I deem it appropriate to dismiss the writ petition as infructuous . However, liberty is granted to the petitioner that in case statement of facts as regards the date of retirement of respondent No.5 is ultimately found to be otherwise, then the petitioner may move an appropriate application for revival of the present writ petition.

25th July, 2022

[RAJ MOHAN SINGH]

Shivani Kaushik

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No