

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-185-2022
Date of Decision: 10.05.2022

Parmod Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

Present: Mr. Jagjit Singh Gill, Advocate, for the petitioner.

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

HARNARESH SINGH GILL, J.

The petitioner lays challenge to the order dated 14.10.2021 passed by the learned Sessions Judge, Sirsa, whereby while dismissing the revision filed by the petitioner, the order dated 16.08.2019 passed by the Chief Judicial Magistrate, Sirsa, was upheld.

The petitioner had filed a criminal complaint alleging therein that the selection process of the Lab Attendants in Chaudhary Devi Lal University, Sirsa, was illegal and against the Rules. In the said complaint, the learned trial Court, after recording the preliminary evidence, came to the conclusion that the said selection process was quashed by the High Court in CWP-16899-2010 vide order dated 26.04.2013; that the said order was upheld by the Division Bench in LPA on 29.05.2013 and that even the SLP was also dismissed by the Hon'ble Apex Court. It was further found that there was no mala-fide or criminal intention on the part of the respondents and that it

was only a case of not following the proper procedure. Accordingly, the complaint was dismissed.

The petitioner filed a revision against the said order. However, vide order dated 14.10.2021, the learned Sessions Judge, Sirsa, dismissed the said revision petition and upheld the order dated 16.8.2019 passed by the trial Court. Still aggrieved, the petitioner has filed the present petition.

Learned counsel for the petitioner would vehemently argue that once, it was established by way of preliminary evidence before the learned trial Court that the recruitment process stood vitiated due to the illegal conduct of the accused persons, there was no occasion for the trial Court to dismiss the complaint. Still further, it is submitted that the finding of the trial Court that there was no criminal intention on the part of the accused, is not justified, especially when there is nothing on record to show the innocence of the accused. It is yet further submitted that the learned Sessions Judge, also lost sight of the material facts and evidence on record and passed the order dated 14.10.2021, mechanically agreeing with the view taken by the trial Court.

Having heard learned counsel for the petitioner, I do not find any merit in the present petition.

Indisputably, the selection process regarding which the criminal complaint was filed, was struck down upto the Hon'ble Apex Court. When the Writ Court has already settled the matter, there seems to be no justification for the complainant to rake up the issue on the criminal side, especially when there

appears to be no finding recorded by the Writ Court qua the criminal conduct of the University Officers/Officials. The petitioner being complainant had raised the issue of the selection process, not being in terms of Rules and his stand having been accepted by the Court and the selection process having been quashed, there hardly remains anything to presume any criminal conduct on the part of the Officers/Officials of the University. Merely because, the selection process has been quashed by the Court, is no ground to hold the Officials/Officers of the University criminal liable. If such a course is allowed to hold the ground, then in every civil case, wherein the plaintiff/petitioner/complainant obtains the relief from the Court, stipulation of criminal proceedings, would be a routine remedy.

Moreover, it could not be shown by the petitioner as to how and in which manner, he has suffered any loss. Rather, the record would show that he was the petitioner in the Writ Petition, wherein the selection process was quashed. In a nutshell, the petitioner's grievance stands settled.

Both the Courts have, in clear and categorical terms, held that no criminal intent was proved on the part of the Officers/Officials of the University and that there was no fabrication or forging of any document. Even in the present petition, during the course of arguments, learned counsel for the petitioner could not point out any criminal conduct on the part of respondent Nos. 2 to 7.

No other point has been urged.

Before parting with this order, it is pained to notice that when this Court did not agree with the arguments advanced by the learned counsel for the petitioner, he showed his utter disregard to the Bench and left the Court mid-way, while the order was still under dictation. Be that as it may, but the fact remains that one cannot be fortunate enough to find an escaping rope-way every-time and proceed in life like gold to an airy thinness beat.

In view of the above, finding no merit in the present petition, the said is hereby dismissed.

(HARNARESH SINGH GILL)
JUDGE

10.05.2022
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Whether Speaking/ Reasoned:	Yes/ No
Whether Reportable:	Yes/ No