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

CWP-1964-2023

Date of decision : 02.02.2023

Sumit Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Dr. Anand Kumar Bishnoi, Advocate for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana
for respondent Nos.1 and 2.

Mr. Shreenath A. Khemka, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of certiorari quashing the impugned notification (Annexures P-4, P-6 and P-7) to the extent that theory paper of the petitioner has been cancelled on account of registration of UMC against the petitioner without any basis. Further prayer has been made for issuance of a writ in the nature of mandamus directing respondent No.3 to cancel the case of UMC against the petitioner and to consider the theory paper of the petitioner for evaluation and further to consider the representation dated 17.08.2022 (Annexure P-12).

Learned counsel for the petitioner has submitted that respondent No.3 is the competent authority who has to decide the present issue and since, no representation has been given to respondent No.3, thus, the petitioner would

give detailed representation to respondent No.3 and has prayed that respondent No.3 be directed to decide the same in accordance with law after giving an opportunity of hearing to the petitioner.

On the other hand, learned counsel for respondent No.3 as well as learned counsel for the State who has appeared on behalf of respondent Nos.1 and 2, have submitted that they have no objection to the said course of action and learned counsel for respondent No.3 has further stated that in case, the said representation is moved, the same would be considered as expeditiously as possible and in any case within a period of two weeks from the date of receipt of the said representation and a personal hearing would also be granted to the petitioner.

Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with the following observations:-

- 1) The petitioner is at liberty to move a representation before respondent No.3 after annexing all the relevant documents.
- 2) Within a period of two weeks from the date of receipt of the said representation, respondent No.3 would consider the same and in case, the plea of the petitioner is to be rejected then a speaking order would be passed on the same.
- 3) Respondent No.3 would also give a personal hearing to the petitioner before deciding the said representation.

02.02.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No