

221-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8498-2018

Date of decision: 15.05.2023

DAV COLLEGE MANAGING COMMITTEE AND ANR

...Petitioners

VERSUS

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajdeep Singh Cheema, Advocate
for the petitioners.

Mr. Kapil Bansal, DAG, Haryana.

None for respondent No.4.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of certiorari for quashing order dated 12.07.2017 (Annexure P-5) passed by the Director, Higher Education, Haryana-respondent No.3, vide which the suspension and charge-sheet issued to respondent No.4 has been set aside and for quashing order dated 23.01.2008 (Annexure P-8) passed by the Principal Secretary, Higher Education, Haryana-respondent No.2, vide which order dated 12.07.2017 as passed by respondent No.3, has been affirmed in revision.

Learned counsel for the petitioners very fairly would submit that this is a service dispute that has arisen between petitioner No.1-Managing

Committee of the College and Dr. G. S. Virk-respondent No.4. He would submit that the petitioner No.2 is a College getting 95% grant-in-aid from the Government of Haryana and is affiliated to Kurukshetra University, Kurukshetra. Respondent No.4 was working as Assistant Professor and during his term, there were allegations of moral turpitude, unauthorized absence from duty, acts of subversive of discipline, dereliction of duty, disobedience to the College authorities etc. The College decided to hold an inquiry and an Inquiry Officer was appointed. The Inquiry Officer gave ample opportunity to respondent No.4 to file reply, which reply was found unsatisfactory. Respondent No.4 was thereafter placed under suspension vide order dated 29.12.2016 (Annexure P-3). Reply was filed to the charge-sheet and instead of facing the inquiry, respondent No.4 approached the Director, Higher Education, Haryana-respondent No.3 and respondent No.3 vide order dated 12.07.2017, set aside the charge-sheet as well as the order of suspension of respondent No.4. A revision was preferred by the petitioner-College before respondent No.2, which stood dismissed, which has led to filing of the instant writ petition.

At this stage, learned counsel for the petitioners would submit that since an Educational Tribunal has been set up to deal with such matters, the instant matter be relegated to the Educational Tribunal, Kaithal.

I have heard learned counsel for the parties.

In view of the fact that this is a service dispute that needs to be adjudicated by the Educational Tribunal, let this writ petition itself be placed before the Educational Tribunal, Kaithal and be treated as an appeal, to be decided in accordance with law.

The petitioners herein to put in an appearance before the Educational Tribunal, Kaithal on 06.06.2023 and, thereafter, notice be issued to respondent No.4.

The instant writ petition is disposed of accordingly.

15.05.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No