

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

120

CWP No.27289 of 2023 (O & M)

Date of Decision : 12.12.2023

*Navneet Malik**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S.K. Kaushik, Advocate, for the petitioner

TRIBHUVAN DAHIYA J. (ORAL):

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the impugned order dated 31.8.2023, Annexure P-11, whereby the petitioner was relieved from the post of Extension Lecturer-Computer Science by declaring him ineligible, and an interim direction to permit the petitioner to work on the post.

2. The petitioner earlier approached this Court by filing CWP No.22930 of 2023, with the pleadings that he was not being allowed to mark attendance as Extension Lecturer in the College w.e.f. 1.9.2023, though no relieving order had been conveyed to him. Accordingly, a writ of *mandamus* was sought directing the respondents to allow him to mark attendance. It is, therefore, apparent that essentially for the same relief, i.e., to continue as Extension Lecturer (Computer Science) from 1.9.2023, and on the same cause of action of having been discontinued/not being allowed to work from 31.8.2023, the petitioner earlier approached this Court by filing the aforesaid petition, which was dismissed as withdrawn

with liberty to avail alternate remedy as might be available to him in accordance with law, vide order dated 11.10.2023.

3. Learned counsel for the petitioner contends that the earlier petition was on a different cause as the relieving order had not been challenged therein. In fact, the order was not passed by the respondents earlier, and only after filing of the earlier petition in October 2023, it has been issued by assigning the date, 31.8.2023. He has referred to averments in the petition in that regard that respondent no.3 passed the ante-dated order of relieving only to save himself from proceedings before this Hon'ble Court, though he had given permission to other similarly placed Extension Lecturers to continue in the job, who are still working in the College. It is also contended that a contempt petition, COCP No.3436 of 2023, filed by the petitioner in the matter was dismissed as withdrawn with liberty to challenge the order passed by the respondents before the appropriate forum. Therefore, the instant petition is maintainable.

4. Arguments raised by learned counsel for the petitioner are misconceived. *Firstly*, as mentioned above, the petitioner had already approached this Court with similar relief and cause of action by filing a petition, CWP No.22930 of 2023, which stands dismissed as withdrawn, granting him liberty to avail alternate remedy. Therefore, the instant petition is not maintainable. *Secondly*, although the relieving order, dated 31.8.2023, had been appended with the contempt petition, it was not averred that the same had been ante-dated by respondent no.3. This plea of ante-dating the order appears to be a false pretence and cannot be entertained. Consequently, the petitioner's failure to challenge the order in the earlier petition, cannot afford him a fresh cause; rather he is deemed

to have given-up the challenge by not impugning the order earlier. *Thirdly*, withdrawal of the contempt petition with liberty to challenge the order, dated 31.8.2023, before the appropriate forum will also not entitle him to file the instant petition, since it is not disputed that the fact of filing of the earlier petition seeking similar relief and its dismissal was not brought to the notice of the Contempt Court.

5. In view thereof, it is evident that the instant petition is sheer abuse of the process of law, and accordingly dismissed with costs of Rs.10,000/- to be deposited in the Punjab and Haryana High Court Bar Association Lawyer's Family Welfare Fund within fifteen days.

6. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

12.12.2023
Ashwani

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No