

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

(110)

CWP-8263-2024

Date of decision: - 16.04.2024

Krishan Kumar

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Kulwinder Kaur, Advocate,
for Mr. Yash Dev Kaushik, Advocate
for the petitioner.

Mr. Amandeep Joshi, DAG, Haryana.

Mr. Pragyat Bhardwaj, Advocate
for respondent No.4.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India seeking issuance of writ in the nature of certiorari for setting aside the suspension order dated 21.08.2023 (Annexure P-2), expulsion order dated 06.10.2023 (Annexure P-6) and review order dated 11.01.2024 (Annexure P-12) passed by respondent No.5.

2. Learned counsel for the petitioner has submitted that earlier the petitioner had filed a petition bearing CWP-28911-2023, in which, the following order was passed by this Court on 21.12.2023: -

*“2. Learned counsel for the petitioner has submitted that as per
Section 7(5) of Rules, as applicable to the M.D. University, Rohtak as*

mentioned in the prospectus for the period 2023-2024, a review would lie to the officer who have issued the orders and an appeal thereafter would lie against the said order of the authorities to the Proctorial Board of the University. The said Section 7(5) as reproduced in para 12 of the present writ petition has been highlighted, which is reproduced herein below: -

“5. Review of Appeal against the Penalty.

A review would lie to the officer issuing the orders within seven days, and an appeal would lie against the orders of the authorities mentioned in these rules (except the Vice-Chancellor) to the Proctorial Board of the University. The Board may also review its decision on its own.”

3. *Learned counsel for the petitioner has submitted that in view of the said provision, he seeks to withdraw the present writ petition with liberty to avail alternative remedy as per the said provision of law.*

4. *Dismissed as withdrawn, with the aforesaid liberty.”*

3. Learned counsel for the petitioner has further submitted that in pursuance of the said order, the petitioner had filed a review petition, which was decided on 11.01.2024 (Annexure P-12) and against the said order, an appeal (Annexure P-13) has been filed by the petitioner before the Proctorial Board, Maharishi Dayanand University, Rohtak, Haryana, but no decision on the same has been taken till date. It is prayed that at this stage, the petitioner would be satisfied in case the competent authority of respondent No.4-University considers the said appeal, in accordance with law, within a specified time frame and in case, the plea raised by the petitioner is found to be meritorious, then, grant the appropriate relief to the petitioner.

3. Learned counsel appearing for respondent No.4 has submitted that competent authority of respondent No.4-University would consider the said appeal (Annexure P-13), filed by the petitioner, in

accordance with law and the same would be done within a period of two weeks from the date of certified copy of this order.

4. Keeping in view the above-said facts and circumstances, the present petition is disposed of, with a direction to competent authority of respondent No.4-University to consider the appeal (Annexure P-13) filed by the petitioner within a period of two weeks from the date of receipt of the certified copy of this order and in case, competent authority of respondent No.4-University is of the view that the plea raised by the petitioner is meritorious, then, the appropriate relief be granted to the petitioner, as expeditiously as possible. In case, competent authority of respondent No.4-University is of the view that the plea raised by the petitioner is meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of two weeks.

5. It is made clear that this Court has not opined on the merits of the case and competent authority of respondent No.4-University would consider and decide the matter independently, in accordance with law.

April 16, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No