

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8466-2023
Date of decision:-20.03.2024

Vishal Kumar and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Rajeev Sharma, Advocate
for the petitioners.

Mr.Aman Bahri, Addl.A.G., Haryana.

Mr.Sachin Gupta, Advocate
for respondent No.4.

SUVIR SEHGAL, J.(ORAL)

1. By way of present writ petition filed under Articles 226/227 of the Constitution of India, petitioners have approached this Court, *inter alia*, for issuance of a writ in the nature of certiorari for quashing of impugned order dated 11.10.2022, Annexure P5, passed by respondent No.3.

2. Upon notice, reply has been filed by respondent No.3 wherein it has been submitted that the impugned order is revisable under Section 115 of the Haryana Cooperative Societies Act, 1984 (for short -

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‘the Act’). On merits, it has been submitted that resolution was passed by the Board of Administrators in violation of the service rules, as before making the appointment, no selection committee was constituted.

3. Mr.Sachin Gupta, Advocate has put in appearance on behalf of respondent No.4 and filed memo of appearance, which is taken on record. He has placed on record a xerox copy of the vernacular order dated 21.10.2022 to submit that the Deputy Registrar, Cooperative Societies, Karnal has stayed the impugned order and an inquiry is being conducted. He submits that the matter is pending before the Deputy Registrar and this development has been suppressed.

4. I have heard counsel for the parties.

5. Undisputedly, petitioners have an alternate efficacious remedy under the Act, which they have chosen not to avail. They have not disclosed the passing of the order dated 21.10.2022 by the Deputy Registrar, Cooperative Societies, Karnal. As the petitioners have not approached this Court with clean hands and have concealed the material facts, they are not entitled to any relief, rather the petition deserves to be dismissed with costs.

6. Petition is dismissed with costs assessed at Rs.10,000/- to be deposited with Haryana State Legal Services Authority, Chandigarh.

7. Copy of the order be sent to the Secretary, Haryana State Legal Services Authority.

(SUVIR SEHGAL)
JUDGE

20.03.2024
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No