

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

934

CWP-4603-2012 (O&M)
Date of Decision:05.04.2024

Mahi Pal Sharma

.....Petitioner

Versus

Kurukshetra University Kurukshetra and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Dinesh Kumar, Advocate for the petitioner.

Mr. A.S. Virk, Advocate for respondents No.1 and 2.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned orders at Annexures P-8 dated 06.11.1998, P-12 dated 27.03.2008 as also P-14 dated 07.12.2010 passed by the appellant authority i.e. Kurukshetra University Kurukshetra.

2. At the outset, learned counsel for the petitioner submitted that the order of punishment was passed by the Vice Chancellor vide Annexure P-8. He further submitted that appeal vide Annexure P-14 has been decided in pursuance of the orders passed by this Court in CWP No.19759-2009 decided on 21.12.2009 vide Annexure P-17. The aforesaid Appellate Authority which was the Executive Council was chaired by the Vice Chancellor himself. Learned counsel for the petitioner referred to an application filed by the petitioner wherein he sought information through RTI wherein it was so informed to the petitioner vide Annexure P-18 that the meeting dated 09.11.2010 of the Executive Council of the University whereby the appeal of the petitioner

was considered, was chaired by the Vice Chancellor and the punishing authority was also the Vice Chancellor against whom the appeal was filed. Learned counsel for the petitioner further submitted that it is in violation of the principles of natural justice i.e. doctrine of bias. He also referred to two judgments of a Coordinate Bench of this Court vide Annexures P-19 and P-20 which also pertain to the same university i.e. Kurukshetra University, Kurukshetra. He further submitted that appellate order was vitiated being violative of doctrine of bias, since the Vice Chancellor could not have presided over the meeting and could not have become a member of the Executive Council.

3. Learned counsel appearing on behalf of the respondent-University could not dispute the aforesaid factual position.

4. In view of the aforesaid facts and circumstances, order dated 07.12.2010 (Annexure P-14) which is the order passed by the appellate authority i.e. Executive Council of the Kurukshetra University, is hereby set aside. Respondent-University is hereby directed to take a decision afresh on the appeal filed by the petitioner against his punishment order which will be taken by the Executive Council in which the Vice Chancellor is not a member for the purpose of consideration of the appeal of the petitioner. Fresh decision will be taken within a period of three months from today after giving an opportunity of personal hearing to the petitioner.

Petition stands partly allowed.

(JASGURPREET SINGH PURI)
JUDGE

05.04.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No