

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CWP-2543-2013 (O&M)
Date of Decision : 12.01.2024

Sanjiv AnejaPetitioner

Versus

Punjab School Education Board and othersRespondents

CORAM: HON’BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Nitin Sharma, Advocate for
Mr. S.S. Brar, Advocate for the petitioner.

Mr. R.S. Kalra, Advocate for
respondents No.1.

Ms. Harpriya Khaneka, Advocate
for respondent No.2.

Mr. J.S. Bhatia, Advocate
for respondent No.3.

Mr. Arun Gupta, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 for issuance of a writ in the nature of certiorari for quashing of appointment of respondent No.2 to the post of Assistant Secretary which was made vide order dated 12.12.2011 (Annexure P-5).
2. In the additional affidavit filed by Varinder Bhatia, Vice Chairman-cum-Secretary, on behalf of respondent No.1 (Punjab School Education Board), Mohali it has been stated as under :-

3. *That in this regard, a fact-finding enquiry was got conducted by Punjab School Education Board (PSEB) from*

*Sh. B.R. Gupta, Additional District and Sessions Judge (retired). The fact-finding report dated 14.12.2017 was submitted, therein it was opined that respondent No.2 has by dubious means got selected and appointed in PSEB. Copy of the fact-finding report dated 14.12.2017 is appended herewith as **Annexure A-1**.*

*4. That thereafter chargesheet dated 01.02.2018 was served upon respondent No.2, copy of which is appended herewith as **Annexure A-2**.*

*5. That in pursuance thereto regular departmental enquiry was got conducted wherein detailed report was submitted by the enquiry officer, establishing the charges levelled against respondent No.2, wherein it was stated that the selection process of respondent No.2 was not proper. Copy of the report submitted by the enquiry officer is appended herewith as **Annexure A-3**.*

*6. That in adherence to the principles of natural justice, notice for personal hearing was granted vide notice dated 16.04.2019 and 05.07.2019, copy appended as **Annexure A-4**.*

7. That the respondent No.2 has assailed the enquiry report as well, as notice dated 05.07.2019 in CWP No. 19265 of 2019 wherein, vide order dated 17.07.2019 passed by this Hon'ble Court, passing of the final order in pursuance to the show case notice dated 05.07.2019 has been stayed. The PSEB vide letter dated 05.03.2020 has withdrawn the notice dated 05.07.2019. Any decision, in this regard would be taken to subject to the decision of CWP No. 19265 of 2019.

3. Learned counsel for respondent No.1-Board submits that show cause notice dated 05.07.2019 issued to the respondent has been

withdrawn as the same was issued in violation of the principle of natural

CWP-2543-2013 (O&M)

3

justice and respondent No.1-Board is in the process of issuing fresh show cause notice after following the process. On account of withdrawal of show cause notice dated 05.07.2019 by respondent No.1-Board, the writ petition bearing CWP No.19265 of 2019 filed by respondent No.2 has been dismissed as having become infructuous vide order dated 27.01.2023 passed by this Court. He further submits that in view of above, the instant writ petition has been rendered infructuous.

4. Disposed of as having become infructuous.
5. Misc. Application(s) pending, if any, shall also stand disposed of accordingly.

12.01.2024
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No