

**CWP-26452-2018(O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(233)****CWP-26452-2018 (O&M)****Date of Decision : August 29, 2024****Surinder Pal Kapoor****.. Petitioner****Versus****Baba Farid University of Health Sciences, Faridkot Through its
Registrar and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Dr. Surya Parkash, Advocate, with
Mr. Jaskirat Singh, Advocate,
Mr. Vikram Garg, Advocate and
Mr. Sukhvir Gill, Advocate, for the petitioner.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that the Vice-Chancellor has only jurisdiction to pass an order of punishment, which has been approved by the Board of Management but in the present case, the punishment/order of removal from service dated 24.09.2018 (Annexure P-1) which has been imposed upon the petitioner has been imposed without following the process as laid in the Rules.

2. Learned counsel for the petitioner submits that even upto now, the punishment imposed has not been approved by the Board of Management which renders the impugned order of punishment without



jurisdiction and further that the punishment has been passed without appreciating the actual facts which have come on record.

3. Learned counsel for the respondent-University submits that at the time when the punishment was imposed, the Board of Management was not in existence and by the time, the Board of Management was re-constituted, the petitioner has already filed the present writ petition and therefore, the Board of Management in its wisdom decided not to interfere till the pendency of the present petition and in case, the petitioner is willing, the Board of Management will consider all the aspects raised by the petitioner and thereafter decide whether, the approval is to be granted to the impugned order (Annexure P-1) passed by the Vice-Chancellor or not.

4. Learned counsel for the petitioner submits that as per the instructions which has been received from the petitioner, he has no objection in case, the Board of Management consider the order (Annexure P-1) passed by the Vice-Chancellor as to whether, the same is to be approved keeping in view the objection which the petitioner intends to raise by filing appropriate representation, which may be dealt with by deciding as to whether, the approval is to be granted or not by passing an appropriate speaking order.

5. Learned counsel for the respondent-University submits that appropriate speaking order will be passed within a period of three months of the receipt of any such representation from the petitioner by the Board of Management and in case it is found feasible to accept the objection, the same will be accepted otherwise due reasons will be given for not accepting the reasons given by the petitioner in his representation while approving the

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order passed by the Vice-Chancellor.

6. Learned counsel for the petitioner submits that keeping in view the statement of learned counsel for the respondent-University, the present writ petition may kindly be disposed of having been not pressed any further.

7. Ordered accordingly.

8. Pending miscellaneous application if any, also stands disposed of.

August 29, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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