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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1894-2024(O&M)
Date of Decision: 23.10.2024

Rajinder Kumar Arora and another Appellants

Vs.

State of Haryana and others Respondents

CORAM: HON’BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON’BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sajjan Singh, Advocate for the appellants.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Present appeal has been preferred against the impugned judgment/Order dated 24.07.2024 passed by the Single Judge of this Court, whereby the learned Single Judge has dismissed the writ petition, with further direction to respondent/Directorate of Higher Education to take final decision on the complaint made against the eighth respondent within six weeks of receiving a certified copy of this order.
2. The case of appellant No.1 is that he was Incharge of the College and was handling all the affairs of the College and there were certain complaints made against other respondents by some girl students’ relating to harassment and other matters. The preliminary inquiry was conducted and a report was sent to the concerned officer relating to the action to be taken



against the concerned respondents. However, respondents under the influence of the concerned local MLA lodged a false complaint against the appellants, which has resulted in issuing of charge sheets.

3. Learned counsel submits that the learned Single Judge has failed to take notice upon the facts of the case and the order of dismissal of writ petition is, therefore, bad in law.

4. We have considered the submissions made by the learned counsel for the petitioners.

5 It is a case where charge-sheets under the Rules, issued to the appellants after a preliminary inquiry has been conducted, wherein prima facie allegations against the appellants were found to be made out, merely because appellants have not given any opportunity in the preliminary inquiry, it cannot be said that issuance of charge sheets based on a preliminary inquiry would be bad in law. The appellants shall get fair opportunity to contest the allegations against them by filing reply to the charge sheets and if the charges are found to be not made out or based on false allegations, they would have opportunity to put up their defence accordingly.

6. In view of above, we are satisfied that the Single Judge has rightly dismissed the writ petition at this stage. Further, this Court finds that the Single Judge has also taken note of the report filed by the appellants as against the respondents and has directed the Directorate of Higher Education to take final decision on the complaint against the respondent, which also does not warrant any interference. Accordingly, LPA is found to be misconceived and is hereby dismissed.

7. Pending miscellaneous application(s), if any shall also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SANJAY VASHISTH)
JUDGE

October 23, 2024
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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |