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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-32633-2019 (O&M)
Date of decision: 15.07.2024

PARDEEP YADAV

...Petitioner

VERSUS

**LALA LAJPAT RAI UNIVERSITY OF VETERINARY AND ANIMAL
SCIENCES HISAR AND OTHERS**

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sarwinder Goyal, Advocate, for the petitioner.

Mr. D.S. Rawat, Advocate, for respondents No.1 and 2.

Ms. Deepika, Advocate, for
Mr. S.K. Yadav, Advocate, for respondent No.3.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *certiorari* for quashing the impugned order dated 17.08.2019 (Annexure P-2) passed by respondent No.2, whereby the petitioner has been awarded 'Zero' marks in all courses of Academic Session 2018-2019 and also for quashing of impugned order dated 19.10.2019 (Annexure P-4) passed by the Vice-Chancellor in appeal whereby the sentence awarded to the petitioner has been reduced to granting of 'F' Grade in one paper conducted on 18.06.2019 for VLDD course.



2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner appeared in the examination for VLDD course in the year 2019 and there was unfair means and a vigilance raid which was conducted in the toilet, wherein it was shown that the petitioner and two other persons had used the toilet and from the toilet there was a confiscation of some material which may have been used for cheating. He submitted that although an opportunity of hearing was granted to the petitioner but he had specifically told the Enquiry Committee that he went to the toilet one hour before the same was detected by the vigilance team and thereafter many other students have gone there but the same was not considered. He further submitted that there was an order which was passed vide Annexure P-2 by which it was directed that he is given 'Zero' mark in all the courses and he is kept for probation for a period of one year but he challenged the aforesaid order before the Appellate Authority. He submitted that when the Appellate Authority passed an order vide Annexure P-4, they did not even consider the grounds which have been raised in the appeal vide Annexure P-3 wherein specifically various grounds were taken that he was not the only person who had gone to the toilet and after he had gone to the toilet many other students have also gone there but a perusal of the order (Annexure P-4) would show that although the order of punishment has been modified and reduced but no reason has been assigned with regard to the punishment order which has now been passed by the Appellate Authority. He submitted that the petitioner is a young student of the age of 24 years and the aforesaid order would jeopardise his entire career because the same is stigmatic in nature. He submitted that the Appellate Authority was supposed to at least grant an opportunity of hearing to the petitioner and also to pass an order



backed by reasons on the basis of the grounds taken in the appeal and therefore, the impugned orders are liable to be set aside.

3. On the other hand, learned counsel appearing on behalf of respondents No.1 and 2 has submitted that it is correct that a perusal of order (Annexure P-4) passed by the Appellate Authority would show that it is not a reasoned order. He also submitted that the present case can be remanded back to the Appellate Authority to pass a fresh order in accordance with law after hearing the petitioner. He also submitted that while passing a fresh order all the grounds taken by the petitioner will be considered in accordance with law and in a sympathetic manner.

4. After hearing the learned counsel for the parties, this Court is of the considered view that a perusal of the order Annexure P-4 passed by the Appellate Authority would show that it is *ipse dixit* of the officer who has passed the order and there is not even a single reason assigned, although the punishment has been reduced. There is no dispute that whenever any order is passed pertaining to any cheating and using unfair means, it does amount to stigma and therefore, it was duty of the Appellate Authority to have at least granted opportunity of hearing to the petitioner and to have passed a reasoned order, even if it was to be modified and reduced. Even the learned counsel for respondent No.1 and 2 has stated that the present case can be remanded to the Appellate Authority.

5. In view of the aforesaid facts and circumstances of the present case, the present petition is partly allowed. The impugned order dated 19.10.2019 (Annexure P-4) is hereby set aside. The Appellate Authority is directed to pass a fresh order after giving adequate opportunity of hearing to the



petitioner and also considering all the grounds and relevant facts which have been taken by the petitioner in the appeal (Annexure P-3) or any other supplementary grounds if at all the petitioner takes by filing any supplementary grounds of appeal to the Appellate Authority and thereafter to pass to a fresh order by fresh application of mind and also keeping in mind the career of the petitioner and in accordance with law within a period of three months from today. It is clarified that the fresh order will be passed uninfluenced by the earlier order which has been passed because fresh order is to be passed by fresh application of mind.

15.07.2024

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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