



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

LPA No.247 of 2025 (O&M)
Date of Decision: 28.01.2025

Seema Rani
.....Appellant.
Versus
Bhagat Phool Singh Mahila Vishwavidyalaya Khanpur Kalan,
Sonipat and another
.....Respondents.

CORAM: ***HON’BLE MR. JUSTICE SANJEEV PRAKASH SHARMA***
 HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. R.S. Bains, Senior Advocate with
 Mr. Mohan Singh Chauhan, Advocate
 for the appellant.

SANJEEV PRAKASH SHARMA, J.(Oral)

The present Letters Patent Appeal assails the order dated 23.12.2024 passed by the learned Single Judge in ***CWP No.35148 of 2024*** titled as ***Seema Rani Vs. Bhagat Phool Singh Mahila Vishwavidyalaya and another***, whereby the learned Single Judge has observed in paragraphs No.11 and 12 as under:-

“11. The petitioner after her release from judicial custody was granted opportunity of hearing by Inquiry Officer. She has been served fresh show cause notice and given opportunity to file reply. She has already filed reply and matter is pending at the adjudication stage.



12. From the perusal of different reports, it is evident that petitioner is involved in embezzlement of University Funds. The Authorities have initiated departmental proceedings and a criminal case is also pending against her. In such circumstances, it would not be just and fair on the part of this Court to intervene and stall departmental proceedings. This Court is sanguine of the fact that Disciplinary Proceedings would proceed in accordance with law. The petitioner would certainly get opportunity to prefer appeal/review/revision, as permissible by law against any adverse order passed by Disciplinary Authority.”

2. Learned Senior counsel submits that after the petitioner was released from judicial custody, she was not given an opportunity of hearing by the Inquiry Officer and the afore-said statement recorded is incorrect. He further submits that the petitioner should be given a fair opportunity to put up her defence before the disciplinary proceedings and that even in the preliminary inquiry, other persons were found to be involved in the alleged embezzlement, who were the master-mind, while the petitioner has been made a scapegoat.

3. We have considered the submissions and carefully perused the record of the file.

4. We find that the departmental proceedings are still continuing against the petitioner and have not been culminated into passing of the final order. The writ petition was filed as a show-cause notice was given to the petitioner for removal to which she was supposed to file her reply. The



conclusions drawn by the inquiry officer were to be examined with respect to the reply filed by the writ petitioner at the stage of the disciplinary inquiry itself. No writ petition would lie, therefore, at this stage as the entire proceedings are pre-mature and one cannot presume that the respondents would not examine the reply filed by the writ petitioner.

5. In view of the above, we concur with the observations of the learned Single Judge that it would not be just and fair on the part of this Court to interfere and stall the departmental proceedings at this stage more so as a presumption cannot be drawn against the writ petitioner. The remedy is available with the writ petitioner to challenge the final order in terms of the statutory provisions in appeal and also in the revision/review. In these circumstances, it cannot be said that the adequate remedy is not available to the petitioner. The writ petition filed by the petitioner is not maintainable at this stage and has rightly been dismissed by the learned Single Judge.

6. The present appeal is misconceived and, accordingly, dismissed.

7. Pending civil misc. applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

January 28, 2025
Yag Dutt

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No