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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-25043-2015 (O&M)**Date of Decision: 08.12.2025**

Talwinder Singh

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSALPresent:- Mr. Dinesh Kumar, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 03.11.2015 whereby he was terminated on the ground that he had obtained B.Sc (IT) Degree through Distance Education Mode.

2. The petitioner completed his Bachelors Degree in Information Technology in 2008 through Distance Education Mode. The Course was conducted by Sikkim Manipal University. University Grants Commission raised doubt with respect to validity of degree obtained through Distance Education Mode which led to passing of impugned order.

3. While issuing notice of motion on 01.12.2015, operation of impugned order was stayed and following order was passed:

“It is contended by Mr.Dinesh Kumar learned counsel appearing for the petitioner that at least for 3 reasons, the impugned order should not survive, firstly; it

has been passed without notice or hearing the petitioner and, therefore, violates the principles of natural justice. If notice had been issued to the petitioner, he would have been in a position to defend himself and to explain why his services should not be terminated for the reasons mentioned in the impugned order?

Secondly, he argues that the education through distance education mode and technical degrees obtained from Universities established in one State but conferring the degrees through Study Centres in other States beyond the territorial jurisdiction of the University have been adversely commented by the Division Bench of this Court in Kartar Singh v. Union of India and another, 2012 (4) SCT 741. However, Special Leave Petitions are pending in the Supreme Court against the decision in Kartar Singh's case. The Supreme Court has passed interim orders, one of which is in SLP (Civil) No.9495 of 2013; Chandi Ram and another v. State of Haryana and others where reversion orders had been passed in view of the decision of the Division Bench in Kartar Singh's case but the operation of the reversion orders have been stayed by the Supreme Court vide interim order dated 11.3.2013. It is urged that what is true for reversion, would be true for appointment also and, therefore, the respondent Department in all fairness ought to have awaited the final outcome of the pending SLPs.

Thirdly, it is argued that the competent authority in the impugned order dated 3.11.2015 endorsed on 20.11.2015 and conveyed to the petitioner did not advert to the litigation pending in the aftermath of Kartar Singh's case and the interim orders passed therein including those protecting the students against adverse action and that they were free to apply for employment in cases where cut off dates had been fixed for receiving applications.

Mr. Dinesh Kumar argues from yet another angle and submits that the petitioner was appointed on compassionate grounds on the death of his father who had

served the Punjab Police. The Police Department had considered his degree as valid and offered him appointment on 9.7.2014 and the petitioner joined on 16.7.2014 even when the law in Kartar Singh's case had been declared and was under litigation before the Supreme Court and the State Government would be cognizant of the ruling.

In the alternative, it is urged that even in case the degree is taken away, the petitioner still will be 10+2 and could well have been appointed on compassionate grounds on another lower post which would have saved him from unemployment and the impugned order is in breach of the purpose for which the compassionate appointment was given in the first place.

Notice of motion, returnable by 8.2.2016.

Notice re.: interim stay.

On the asking of the Court, Mr. Inqulab Nagpal, AAG, Punjab accepts notice on behalf of the respondents and waives service on them. Mr. Kumar has supplied one set of the paperbook to Mr. Nagpal in Court today and will supply 3 sets of the paperbook to Mr. Nagpal by tomorrow.

In the view of the interim orders passed by the Supreme Court on 11.3.2013, the operation of the ex parte order [P-11] is stayed pending final outcome of the present writ petition/decision of the Supreme Court.

The State would have liberty to move an application for vacation of stay in case it is supported by reasons which are justified.”

4. Learned counsel representing the petitioner submits that case of petitioner is squarely covered by judgment dated 27.03.2019 passed by this Court in ***CWP No.22867 of 2016*** titled as '***Vikram Singh Versus Subordinate Service Selection Board, Punjab and Others***'. The said judgment was followed by this Court in '***Sandeep Kumar Versus State of Punjab and Others***', 2023 SCC OnLine P&H 5634.

5. Learned State counsel expressed his inability to distinguish instant case from aforecited judgments.
6. In the wake of judgments of this Court in *Vikram Singh (Supra)* and *Sandeep Kumar (Supra)*, the instant petition deserves to be allowed and accordingly *allowed*. Accordingly, the impugned order dated 03.11.2015 is hereby set aside.
7. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

08.12.2025

Prince Chawla

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