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

CWP-16646-2025

Date of decision:- 20.08.2025

Makhan Lal Tanwar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Nitin Kaushal, Advocate
for the petitioner.

SUVIR SEHGAL, J.(ORAL)

1. Instant writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, for issuance of a writ in the nature of quo warranto declaring respondent No.6 as usurper to the post of Principal, Government Senior Secondary School, Nayan, District Mahendergarh as he is ineligible to hold the post and his promotion has been made in violation of the applicable service rules.

2. When questioned on the *locus standi* of the petitioner, counsel for the petitioner has made a reference to para No.3 of the petition to submit that the petitioner has retired from the post of Principal, Government Senior Secondary School, Jailaf, Mahendergarh. Counsel states that petitioner is an accomplished educator and has won



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various awards in the field of education. Counsel asserts that as petitioner is challenging eligibility of respondent No.6 to hold the post, he has a cause to invoke the extra ordinary jurisdiction of this Court. He has placed reliance upon **University of Mysore Versus C.D. Govinda Rao and another 1963 SCC Online SC 15** as well as a judgment of this Court in **State of Punjab and Anr. Versus Ramandeep Singh and others, Law Finder Doc. ID # 2109028**. Counsel has also made a reference to the *Haryana Primary Education (Group-C) District Cadre Service Rules, 1994* to contend that respondent No.6 had simultaneously pursued two different courses, which is not permissible. It has been argued that respondent No.6 obtained a post graduate degree during the year 1993 while concurrently during the same period, he had acquired a Diploma in Education, which is in breach of the rules.

3. I have heard counsel for the petitioner and considered his submissions besides examining the documents placed on the record.

4. Petitioner had submitted a complaint dated 25.08.2017, Annexure P8, levelling allegation that respondent No.6 had violated the service rules and he had acquired two different educational qualifications simultaneously. It had been alleged that respondent No.6 cannot be permitted to get the benefit of both the qualifications and pursuing two courses simultaneously is barred as per departmental order dated 17.08.2012. An inquiry is conducted into the allegations and a show-cause notice dated 29.10.2017, Annexure P10, was issued to respondent



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No.6. Later, a charge-sheet under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016 dated 11.05.2023, Annexure P12, was served upon respondent No.6 on allegation of omission and commission. Documents appended with the paper-book show that respondent No.6 submitted a reply and was afforded with an opportunity of hearing. By order dated 08.11.2024, Annexure P13, considering the judgment passed by the High Court of Delhi in **Kavita Prakash Versus Government of NCT of Delhi & Ors., Law Finder Doc Id # 1480881** charge-sheet issued to respondent No.6 was dropped. It is, therefore, evident that disciplinary action was initiated against respondent No.6 on the basis of the complaint submitted by the petitioner, which culminated in the passing of order, Annexure P13. It is the settled position of law as has been held by the Hon'ble Supreme Court in **R.K. Jain Versus Union of India (1993) 4 SCC 119** that in service jurisprudence, it is for the aggrieved person to assail the legality or correctness of the departmental proceedings and a third party has no locus standi to question the administrative action.

5. Petitioner has filed the instant petition claiming that he is an educationist of repute and he is well within his right to invoke the writ jurisdiction of this Court by filing the instant petition for quo warranto. However, facts speak otherwise. Having failed in his complaint before the departmental authorities, petitioner has chosen to invoke the extraordinary writ jurisdiction in order to harass respondent No.6. Petitioner



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has personal grudge against the said respondent and is abusing the process of the Court, which cannot be permitted. Although he failed before the departmental authorities, he has taken recourse to the present mode. Such an attempt deserves to be thwarted at the outset. The judgments relied upon by the petitioner would not come to his aid.

6. This Court does not find any merit in the petition, which is dismissed though with no order as to costs.

(SUVIR SEHGAL)
JUDGE

20.08.2025
Brij

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