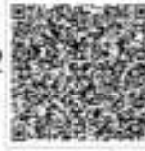


2025:PHHC:122212



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

SR. NO.148

CWP-26695-2025

DATE OF DECISION:08.09.2025

AMIT AGGARWAL

...PETITIONER(S)

VERSUS

THE EDUCATIONAL TRIBUNAL, PUNJAB AND OTHERS

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. R.K. Arora, Advocate
for the petitioner.

N.S. SHEKHAWAT, J.

1. The petitioner has filed the present writ petition under Article 226/227 of the Constitution of India with a prayer to issue a writ in the nature of Certiorari for quashing the judgment dated 07.07.2025 (Annexure P-1) passed by the learned Educational Tribunal, Punjab in petition No.10/2021 (Annexure P-5), whereby, the prayer of the petitioner for quashing the impugned order dated 29.12.2020 (Annexure P-7) was declined. It was *inter alia* prayed that the impugned notice dated 19.08.2025 (Annexure P-2) for eviction of the petitioner from the allotted residential accommodation and demanding penalty of Rs.24,16,250/- may also be set aside.

2. Notice of motion.

3. On advance notice, Mr. Charanpreet Singh, AAG, Punjab, has appeared on behalf of the respondents No.1 to 3 and Mr. Bikramjit Singh

Patwalia, Advocate with Mr. Abhishek Masih, Advocate have put in appearance on behalf of respondents No.5 and 6.

4. I have heard learned counsel for the parties and perused the record carefully.

5. During the course of arguments, learned counsel for the parties have agreed that detailed submissions were made by both the sides before the learned Educational Tribunal. However, while disposing off the matter, learned Educational Tribunal has not discussed the submissions made by both the sides and the impugned order is apparently non-speaking. In fact, the law is well settled that while disposing of a petition, a judicial authority is under a legal duty to consider the submissions made by both the sides and after due consideration of the submissions, a judgment has to be delivered.

6. In the present case, apparently there is no discussion on the submissions made by both the parties and the judgments cited by learned counsel and the impugned judgment has been rendered by the learned Educational Tribunal without referring to the rival submissions. It is also apparent from the record that the petitioner had referred several judicial precedents passed by various Hon'ble Courts, but there is no finding to show that the said judgments are not applicable to the facts of the present case. This Court has held in the matter of *Sham Lal and others Vs State of Punjab and others, reported as (2013) 14 SCC 393* that when the law stipulates passing of a speaking order, it must refer to the contentions that had been advanced by the persons aggrieved and must resort to record the reasons and objective assessment of the contentions, in the light of the applicable rules and regulations, before a final conclusion is drawn.

7. There is no dispute that the order under challenge do not fulfil the pre-requisite of a reasoned and speaking order. Consequently, without commenting on the merits of the case as well as the respective contentions raised by both the parties, the present petition is allowed and the impugned judgment dated 07.07.2025 (Annexure P-1) passed by learned Educational Tribunal is ordered to be set aside. Since the impugned judgment passed by the learned Education Tribunal, Punjab is set aside; as a consequence, the impugned notice dated 19.08.2025 (Annexure P-2) is also set aside.

8. The matter is remanded back to the learned Education Tribunal, Punjab for fresh consideration on the merits of the case and the parties are directed to appear before it on 15.10.2025. It is requested that learned Education Tribunal shall pass a fresh order, in accordance with law, after granting opportunity of hearing to both the sides. Pending application(s), if any, shall also stand disposed of.

(N.S. SHEKHAWAT)
JUDGE

08.09.2025
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO