



CWP-9462-2022 (O&M)

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

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CWP-9462-2022 (O&M)
Date of Decision: 07.05.2026

Naresh Kumar

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Gopal Sharma, Advocate, and
Mr. Prabhat Sharma, Advocate for the petitioner

Mr. Rohit Arya, Additional Advocate General, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 15.04.2021, Annexure P-15, whereby the petitioner's services as Guest Teacher (Mathematics) in Government Senior Secondary School, Kharkara, District Kaithal, has been terminated, as also the order dated 13.04.2022, Annexure P-22, whereby his appeal against termination has been dismissed.

2. Learned counsel contended that the petitioner joined as Guest Teacher in the aforementioned School on 26.10.2006 and performed his duties honestly and diligently for about eleven years. Thereafter, a complaint dated 03.08.2017 was made against him by a student to the School Principal/fourth respondent alleging mistreatment on 27.07.2017. The guardian of the student was called by the Principal on 05.08.2017, who gave in writing that the complaint had been submitted due to some misunderstanding. Accordingly, the

complaint was closed and no further action was taken on it. After about two

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years, an anonymous complaint dated 20.06.2019, Annexure P-2, was received in the office of Superintendent of Police, Kaithal, as well as in the respondent Department, regarding the same incident alleging that the then Principal had hushed up the matter instead of taking the required action. The complaint was enquired into by the police, and it transpired that some unknown person had submitted the same only to harass the student and her family; it was accordingly closed on the ground that no cognizable offence was made out, vide letter dated 06.09.2019, Annexure P-9. Similarly, the anonymous complaint received in the Department was enquired into at district level by constituting an Internal Complaints Committee, which submitted its report on 22.07.2019, Annexure R-2, recommending disciplinary action against the petitioner. A show cause notice was issued to him, and after receiving the reply a warning was issued by recording, *'the matter has been sympathetically considered and the order is passed that teacher be careful in future'*, vide order dated 06.10.2020, Annexure P-11. In this background, learned counsel further contended that there was no basis for the Department to terminate the petitioner's service. Besides, the impugned order has been passed in violation of the Principles of Natural Justice without holding any enquiry and without affording any opportunity of hearing to him. These aspects have not been considered by the appellate authority also while dismissing the appeal.

3. *Per contra*, learned State counsel contended that correct facts have not been pleaded by the petitioner. On receiving the anonymous complaint dated 20.06.2019, Annexure P-2, in the office of Superintendent of Police, Kaithal, and in the office of third respondent, an Internal Complaints Committee was constituted to enquire into the allegations of sexual harassment against the petitioner. His explanation was called for, and he duly submitted the



same vide reply dated 17.07.2019, Annexure R-1. Only after considering the same along with other material brought on record, including statements of the complainant/student and her grandmother, the Committee concluded as under vide its report dated 22.07.2019, Annexure R-2:

After a thorough investigation on all aspects, the Sexual Harassment Committee came to the conclusion that on 27/7/17, a student of 9th-B class of GSSS, Kharkan was molested by the accused Naresh Kumar (Guest math teacher). Disciplinary action could not be taken against the accused Naresh Kumar due to non-action by the then Principal Sudarshan Sharma, due to the negligence of Satbir Singh, the former principal. Therefore this behavior of Naresh Kumar was completely indecent. Hence Committee recommends departmental disciplinary action against Naresh Kumar. And the matter came again in light due to secret complaint received after two years, the student M... and her family members have suffered mental and social torture due to re-exposure of the secret complainant. Therefore, the family wants disciplinary action against the complainant as well. Therefore, police should take appropriate action after finding out the complainant at their level.

It was in the light of these facts, the impugned order of termination was passed, and the appeal against it was dismissed, in accordance with law.

4. Considering the submissions, this Court finds no ground to accept the petition. It is apparent on record that the complaint of sexual harassment against the petitioner was duly enquired into by the Internal Complaints Committee, and due opportunity of hearing was afforded to him. He submitted his response thereto, dated 17.07.2019, and after taking the relevant facts into consideration, the Committee, vide report dated 22.07.2019, concluded that he had behaved indecently with the student. It also found that no action had earlier

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been taken against the petitioner due to sheer negligence of the former Principal. The Committee recommended disciplinary action against him, which led to his termination. The Committee's report has not even been challenged by the petitioner. His appeal against the order of termination was dismissed after taking into account all these facts. Therefore, it cannot be said that there is any violation of the Principles of Natural Justice in passing the impugned orders, or that the same are not based upon relevant facts.

5. Accordingly, no interference is called for, and the petition stands dismissed.

6. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

07.05.2026*Payal*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No