

2026:PHHC:002979



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-18804-2023

Date of decision: January 13, 2026

RAJ KUMAR AGGARWAL

... Petitioner

Versus

THE MANAGER/PRESIDENT, HINDU SENIOR SECONDARY
SCHOOL AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R.S. Malik, Advocate
for the petitioner.

Mr. Gaurav Mohunta, Senior Advocate with
Mr. Pratyush Sood, Advocate
for the respondents.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the judgment dated 24.07.2023, Annexure P-15, whereby the petitioner's appeal against termination from service has been dismissed by the District Judge/Educational Tribunal, Sonapat. Further, a writ of *mandamus* has been sought directing the respondents to reinstate him in service, along with all consequential benefits.

2. The facts of the case in brief are, the petitioner was appointed as English and Social Science Master in the Hindu Senior Secondary School run by the third respondent/Hindu Education and Charitable Society, vide letter dated 08.07.1989, Annexure P-1. He was sanctioned the master's grade of ₹1400-2600 with effect from 01.04.1990, and later confirmed in service with effect from 01.04.1991 vide letter dated 25.07.1991, Annexure P-4.

Later, mother of a Nursery class student in the School submitted a complaint against the petitioner dated 15.03.2019, Annexure P-7, which reads as under:

I (Priyanka) am mother of Riyansh who is student of Nursery-A class of your school. From last few months while returning in the school your school teacher namely Raj Kumar Aggarwal were trying to embarrass me by giving some eatables to my child and talking unnecessarily and the same I don't like. I even tried to deny him for this act. But he did not stop his activity. But now it was enough when on 13.03.2019 he came to my house without my consent and tried to handover a bag full of things to my child when I refused to it then he kept the things at my home. For this we felt troubled. So that's why I am giving the information to you and returning the said items to you which were given by him. I hope that you will take an appropriate action against your teacher for his indecent act and it should be kept in mind that in future no such act should be done with us.

3. Considering the petitioner's behaviour objectionable, the Management decided to suspend him from service vide letter dated 16.03.2019, Annexure P-8, and an Inquiry Officer was appointed to inquire into the charges. During inquiry, the complainant got recorded her statement dated 18.03.2019, Annexure P-9, reiterating the allegations made in the complaint. The petitioner then was asked by the School Principal vide letter dated 18.03.2019, Annexure P-11, to file a written response as to whether he had committed the acts alleged. The petitioner responded the same day, vide letter, Annexure P-12, admitting his mistake; it reads as under:

It is requested that I had gone to house of Priyanka along with some food items. It was my mistake. I will not do such

mistake in future. I accepted this before Sh. Khushi Ram Gupta, Member of Management.

4. After taking into account these facts, the Inquiry Officer submitted his report to the Society Chairman dated 18.03.2019, Annexure P-10, which reads as under:

Under these circumstances, the allegations of Ms. Priyanka (Mother of Riyansh – Nursery Class) are not only proved but also accepted by the teacher concerned.

The report is submitted for your kind reference with the recommendation that Sh. Raj Kumar Aggarwal would be terminated from the services for this obnoxious act.

5. Considering the same, the petitioner was terminated from service vide order of discharge dated 23.03.2019, Annexure P-13, in terms of Clause 2 of the letter of appointment, after giving him one month's pay along with allowances in lieu of the notice period. The order was challenged by him before the Tribunal by filing an appeal, which was dismissed vide impugned judgment dated 24.07.2023.

6. Learned counsel for the petitioner contended that the complainant had levelled serious allegations/charges against the petitioner regarding his conduct, and the Management had terminated him from service without even holding a regular inquiry, which is violative of law. Besides, the order is stigmatic on the face of it and could not have been passed without inquiry.

7. *Per contra*, learned counsel for the Society contended that there was no need to hold a regular disciplinary inquiry concerning the allegations of misconduct against the petitioner, as he admitted his guilt. It was after

taking into account relevant facts and circumstances of the case, including the acceptance of guilt, that the President decided to accept recommendations of the Inquiry Officer to terminate his services. He cannot be permitted to challenge the same at this stage on the ground that regular inquiry was not conducted before passing the order of termination. Reliance has been placed upon the judgment by a coordinate Bench in CWP-27281-2017 titled *Kuldeep Singh v. Shiromani Gurudwara Parbhandhak Committee*, which relies upon a Division Bench judgment on the issue.

8. Submissions made by learned counsel for the parties have been considered.

9. As apparent on record, the petitioner, who was working as English and Social Science Master in the School run by the third respondent, was accused of misconduct by mother of a child studying in Nursery class by submitting a complaint dated 15.03.2019, reproduced hereinbefore. The facts were reiterated by her before the Inquiry Officer, and the petitioner admitted his misconduct vide letter dated 18.03.2019. It was in the light of these facts that the Inquiry Officer recommended termination of his services for the admitted misconduct. Accepting the recommendations, the Society President terminated him from service vide order dated 23.03.2019. The law stands settled that in the face of admission of misconduct by the delinquent, there is no need to hold a regular inquiry as he cannot be allowed to turn around and dispute his admission. A reference in this regard can be made to the judgment rendered in *Kuldeep Singh* case (*supra*), which reads as under:

10. Thus, to say that despite the petitioners having admitted their misconduct in the aforesaid terms, still the inquiry was

required to be held cannot be accepted. Once the delinquent employee admits his guilt, he cannot be allowed to turn back and plead violation of principles of natural justice. Reliance can be placed upon by dictum of law laid down by Division Bench of this Court in CWP No.5655 of 1999 (supra) wherein it was held as under :-

"There is a writing by the petitioner in his own hand which has been attested by the cashier, Store-keeper and some others in which it is stated that on January 18, 1995, while on duty regarding counting of money from the 'Golak' in 'Gurdwara Alamgir, somebody saw him and thereafter he brought Rs.7310/- from his room and redeposited the same in the Golak (Chest). It is further stated "I have done a mistake and will not repeat the same in future." In view of this statement of the petitioner, we do not find that any unreasonable view has been taken by the respondent in passing the impugned order. No regular enquiry in the view of the above statement was required. It cannot be imagined that the statement made by the petitioner and written in his own hand and attested by so many was under pressure or coercion. Dismissed."

11. Thus, the petitioners cannot get any benefit from the law laid down by Constitution Bench in Mafatlal Narandas Barot's case (supra). Likewise, in the case of Diljit Singh Bedi's case (supra) the issue was as to whether a preliminary inquiry conducted by a Sub Committee can replace a regular inquiry. Thus, the ratio of law laid down in the said case is also not applicable in the present case.

10. Further, this aspect of the matter has duly been considered by the Tribunal also, by holding as under:

13. ...Purpose of charge sheet and regular inquiry is to make employee aware about charges against him and giving him fair opportunity to defend himself. In present case, the charges were duly communicated to appellant vide letter dated 18.03.2019 and were understood by appellant. He duly admitted his fault and tendered his apology. Therefore, nothing was left to be inquired upon. The regular inquiry would be of no consequence as appellant clearly knew the nature of charges and had fair opportunity to defend himself but he admitted the charges / complaint made by complainant and therefore, the respondents have rightly chosen to act upon admission of complainant by passing termination order dated 23.03.2019. The order can not be held to be in violation of law. Order of termination is accordingly upheld.

11. In view thereof, no exception can be taken to the findings recorded by the Tribunal which are in confirmity with the settled law on the issue. The petition, accordingly, stands dismissed.

January 13, 2026

Jaspreet Kaur

**(TRIBHUVAN DAHIYA)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*