

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-38764-2025 (O&M)

Balwinder Pal Garg

... Petitioner

VS.

Union of India & Ors.

... Respondents

1.	Judgment reserved on	06.02.2026
2.	Judgment pronounced on	05.05.2026
3.	Judgment uploaded on	08.05.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Puneet Sharma, Advocate for the petitioner

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Ashish Chaudhary, Advocate for respondents No.1 to 4

None for respondents No.5&6

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India, inter alia, for issuing a writ of certiorari quashing the order dated 15.12.2025 (Annexure P20) vide which the petitioner has been placed under suspension from the post of Controller of Examinations of the respondent-University, by the Executive Council in exercise of sub-Rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (in short, the 1965 Rules).

Facts

(2). On September 8, 2023, Central University of Punjab, Bathinda advertised the post of Registrar, prescribing a Master's degree with at least 55% marks or equivalent grade as the essential qualifications along with requisite experience at least 15 years' experience as Assistant Professor in Academic

Level 11 or above, or 8 years in Academic Level 12 or above (including as Associate Professor) with experience in educational administration or comparable experience in research establishments and other institutes of higher education or 15 years' administrative experience, of which 8 years shall be as Deputy Registrar or equivalent post. The interview of eligible candidates for the post of Registrar was held and on 19.01.2024, the impugned selection result was declared, wherein respondent No. 5 - Vijay Sharma was recommended by the Selection Committee and appointed as such on 25.01.2024, while the petitioner was placed at Waiting List No. 1, followed by Virinder Singh Jeji (Annexure P-2).

(3). On 15.03.2024, the respondent-University advertised the post of Professor (Education) by direct recruitment, for which the Petitioner applied and was interviewed on 02.09.2024 and was again placed at Waiting List Sr.No.1. Despite the petitioner's prior complaints/requests highlighting the ineligibility of respondent No. 5 as Registrar, he submitted a representation on 20.01.2025 (Annexure P-3) seeking cancellation of his appointment as Registrar. In response, the office of the Vice Chancellor/Respondent No. 2 sought clarifications vide letter No. 592 dated 21.01.2025 to which he replied on 24.01.2025, furnishing all required clarifications. The petitioner even filed CWP No. 16695 of 2025 seeking quashing of appointment of respondent No.5 and this Court disposed of the said writ petition vide order dated 29.05.2025 with a direction to the Respondent University to pass a speaking order on the legal notice. The respondents did pass an order dated 17.09.2025 justifying respondent No.5's appointment as Registrar.

(4). On 22.08.2024, the petitioner's application for Professor (Education) was shortlisted as eligible, including "any other qualifications prescribed by UGC like NET or teaching experience as per UGC/state norms". He was interviewed on 2.09.2024 (Annexure P-5) and pursuant thereto, one Dr. Avtar Singh recommended was recommended by the Selection Committee for appointment whereas the petitioner was kept at Sr.No.1 of the Waiting List. Since the recommendee was not willing to join as such, the petitioner requested the respondents to abide by the waiting list and issue him appointment, however, on 22.04.2025, respondent No. 5 informed the petitioner of the pending complaint on his eligibility which led to constitution of a Committee by Respondent No.2 and thereafter, comments were sought from the petitioner. However, vide order dated 15.12.2025, the respondent University/Respondent No. 5 suspended the petitioner from the post of Controller of Examinations, alleging ineligibility and discrepancies in documents and was directed to hand over charge, including laptop, passwords and other official articles (Annexure P-19).

(5). Hence this writ petition.

Petitioner's submission

(6). Learned counsel for the petitioner submits that the petitioner joined as Controller of Examinations with the respondent-University on 31.12.2021 and has since been discharging duties for nearly four years with an unblemished record, without any allegation of bias, nepotism, financial irregularity or dereliction of duty. He submits that the genesis of the impugned suspension order dated 15.12.2025 (Annexure P-20) lies in an anonymous/pseudonymous and fabricated complaint purportedly sent from the

e-mail ID “ompreet1970@outlook.com” (Annexure P-22), yet the person in whose name it was sent i.e. Ompreet Singh, has sworn an affidavit dated 04.01.2026 (Annexure P-23) categorically stating that he is a milk vendor and had never sent any such complaint and that the said e-mail ID does not belong to him which itself demolishes the authorship and credibility of the complaint.

(7). It is further contended that the University authorities, including the Vice-Chancellor and the Registrar, did not treat the complaint as unverified and proceeded further to initiate an enquiry and that approach is in the teeth of the DoPT/CVC guidelines which stipulate that anonymous and pseudonymous complaints are not to be acted upon and are ordinarily to be filed without inquiry, save where prior approval and verification are undertaken and as such, the decision to nevertheless act on a demonstrably fabricated pseudonymous complaint, without identifying the real author or verifying the truth of its contents, renders the very initiation of proceedings and the consequential suspension procedurally illegal thereby strongly supporting the petitioner’s plea of victimisation for having pursued his challenge to the appointment of respondent No.5 as Registrar. Reliance has been placed on **State of Orissa vs. Bimal Kumar Mohanti (1994) 4 SCC 126** to contend that an order of suspension that is passed without considering the gravity of charges, the supporting material, and the necessity of suspension, or which is passed in a routine or mechanical manner, is vulnerable to challenge.

(8). Learned counsel then urged that the petitioner’s continuous service for almost four years as Controller of Examinations, coupled with his having been entrusted with the additional charge of officiating Registrar from 12.04.2022 to 25.01.2024, without any complaint about his functioning, clearly

shows that his continuance in office poses no demonstrated risk to the administration or integrity of records and in such a factual background, to treat a belated and disputed issue of eligibility at the entry stage as “grave misconduct” warranting immediate suspension reflects non-application of mind to the Supreme Court’s parameters governing suspension. He contend that that impugned order is conspicuously vague as it refers to “discrepancies” in the petitioner’s documents without specifying what those discrepancies are, when they came to light, or how they prejudice the University, thereby revealing that the order is punitive and retaliatory rather than a bona fide step to secure a fair enquiry.

Respondents’ contention

(9). Learned counsel for respondents No.2 to 4 submits that the order placing the petitioner under suspension from the post of Controller of Examinations is a *bona fide* administrative measure, passed in exercise of the competent authority’s power to ensure purity of academic standards and institutional integrity. It is pointed out that a detailed written complaint dated 27.01.2025 was received against the petitioner, specifically questioning his eligibility and credentials for the post of Professor (Education) as well as Controller of Examinations, and raising serious doubts about the correctness of the documents and qualifications relied upon by him. In view of the gravity of these allegations, which directly touch the petitioner’s suitability to hold senior academic/administrative positions, the Vice-Chancellor constituted Committees by orders dated 26.03.2025 and 18.06.2025 to enquire into the complaint, and pending such enquiry, the competent authority deemed it necessary, in the

interest of the institution and to avoid any possible interference with the records or influence over witnesses, to place the petitioner under suspension.

(10). It is further contended that the suspension is purely interim in nature and it does not amount to any finding of guilt but only to facilitate an impartial and uninfluenced enquiry into the allegations. The respondents assert that there is no causal link between the petitioner's challenge to the appointment of respondent No.5 and the suspension order, according to them, the timing is coincidental and the action is founded on independent complaints and material which surfaced during and after the selection process for the post of Professor (Education). He then submits that the enquiry proceedings are under active consideration of the competent authority, clarification from UGC/NCTE regarding the petitioner's eligibility has been sought in good faith, and the University is committed to concluding the process expeditiously, whereafter the suspension will be reviewed in accordance with law and applicable service norms

(11). Heard learned counsel for the parties and the judgment was kept reserved on 06.02.2026.

Analysis

(12). The petitioner undisputedly joined as Controller of Examinations on 31.12.2021 and has since been functioning for nearly four years, and was even entrusted with the additional charge of officiating Registrar from 12.04.2022 to 25.01.2024, without any allegation of misconduct in the discharge of his duties, financial irregularity, bias or tampering with examination records. In this backdrop, the sudden recourse to suspension, not on the allegation of any act or omission in office but on a belated dispute about

his eligibility at the time of initial appointment, raises a serious question as to whether the action is a bona fide precautionary measure or a collateral response to his having challenged the appointment of respondent No.5 as Registrar.

(13). The record further shows that the immediate trigger for the action against the petitioner was a complaint/e-mail purportedly sent from the ID ompreet1970@outlook.com (Annexure P-22), which has since been shown, by way of the affidavit dated 04.01.2026 (Annexure P-23), to be a pseudonymous and fabricated complaint. The deponent, Ompreet Singh, has categorically stated on oath that he is a milk vendor and the said e-mail ID does not belong to him and that he has no knowledge regarding eligibility of academicians or about the complaint against the petitioner. In spite of this, there is nothing to indicate that the University treated the complaint as anonymous/pseudonymous, as required by the guidelines issued by the Ministry of Personnel and Public Grievance and Pension dated 28.09.2022, which clearly state that no action is to be taken on anonymous or pseudonymous complaints and that such complaints are to be simply filed, save in exceptional cases where prior approval and verification are undertaken. Acting upon a demonstrably pseudonymous complaint, without identifying the real author or verifying the truth of the allegations, and using it as the basis to initiate disciplinary proceedings and to suspend the petitioner, vitiates the entire process at its inception and lends credence to the petitioner's plea of victimisation for pursuing his legal challenge against respondent No.5.

(14). The law on suspension pending enquiry requires that: (i) the allegations pertain to misconduct, (ii) such misconduct be grave, and (iii) there be a demonstrated necessity to keep the employee away from office. A belated

doubt about the employee's initial eligibility, after years of faultless service and repeated affirmation of his appointment, neither constitutes 'grave misconduct' in the sense understood by service law, nor creates any present necessity for suspension. To permit suspension on such a ground would convert the limited power of suspension into a tool for retrospectively unsettling concluded appointments, which runs counter to the Supreme Court's approach in service matters that settled positions should not be reopened after a reasonable period.

(15). It is trite that suspension, though not a punishment by itself, is a serious interim measure which has adverse civil consequences and cannot be ordered as a matter of course. In *State of Orissa v. Bimal Kumar Mohanty, (1994) 4 SCC 126*, the Supreme Court held that while placing an employee under suspension pending enquiry, the competent authority must consider the gravity of the alleged misconduct, the nature of the evidence available and whether the continued presence of the employee in office would prejudice a fair enquiry or be detrimental to the public interest, and that orders of suspension passed in a routine or mechanical manner are liable to be struck down.

(16). Tested on this touchstone, the impugned order, which merely refers to "doubts" about the petitioner's eligibility and unspecified "discrepancies" in his documents, without disclosing any concrete material or instances of misconduct in office, does not reflect any such careful evaluation. There is no allegation, much less material, to suggest that the petitioner's continuance as Controller of Examinations would impede the enquiry, lead to tampering with records or otherwise prejudice the administration.

(17). Moreover, the petitioner's eligibility and credentials were scrutinised at the time of his initial appointment; he was issued an interview

letter, duly interviewed by the Selection Committee and appointed as Controller of Examinations, and for almost four years his appointment was accepted and affirmed by the University, including by entrusting him with sensitive additional responsibilities.

(18). In the circumstances, this Court is satisfied that the impugned suspension order dated 15.12.2025 (Annexure P-20) has been passed without due application of mind to the gravity of the alleged misconduct, in disregard of the binding instructions regarding anonymous/pseudonymous complaints, and in a manner suggestive of collateral considerations, and therefore cannot be sustained.

(19). Accordingly, the writ petition is allowed and the order dated 15.12.2025 (Annexure P-20), placing the petitioner under suspension from the post of Controller of Examinations, is quashed and set aside. The petitioner shall be reinstated to his post forthwith, with all consequential benefits in accordance with law.

05.05.2026
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned? :
2. Whether reportable? :

Yes/No
Yes/No