

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

CWP No.4729 of 2015

Date of Decision: 13.05.2015

Shilk RamPetitioner

Versus

State of Haryana and othersRespondents

(2)

CWP No.4938 of 2015

VeerpalPetitioner

Versus

The State of Haryana and othersRespondents

(3)

CWP No.4977 of 2015

Devender KumarPetitioner

Versus

The State of Haryana and othersRespondents

(4)

CWP No.4984 of 2015

Ajay KumarPetitioner

Versus

The State of Haryana and othersRespondents

(5)

CWP No.4986 of 2015

Rupesh KumarPetitioner

Versus

The State of Haryana and othersRespondents

(6)

CWP No.4995 of 2015

Satish KumarPetitioner

Versus

The State of Haryana and othersRespondents

(7)

CWP No.5044 of 2015

Pehlu RamPetitioner

Versus

The State of Haryana and othersRespondents

(8)

CWP No.5061 of 2015

DimplePetitioner

Versus

The State of Haryana and othersRespondents

(9)

CWP No.5139 of 2015

Ashwani KumarPetitioner

Versus

The State of Haryana and othersRespondents

(10)

CWP No.5209 of 2015

Ajit SinghPetitioner

Versus

The State of Haryana and othersRespondents

(11)

CWP No.5135 of 2015

Randeep Singh and othersPetitioners

Versus

State of Haryana and othersRespondents

(12)

CWP No.4930 of 2015

Balbir Singh and othersPetitioners

Versus

State of Haryana and othersRespondents

(13)

CWP No.4951 of 2015

Ramesh Chander and othersPetitioners

Versus

The State of Haryana and othersRespondents

(14)

CWP No.5045 of 2015

Kavita RaniPetitioner

Versus

The State of Haryana and othersRespondents

(15)

CWP No.5063 of 2015

Anju PalPetitioner

Versus

The State of Haryana and othersRespondents

(16)

CWP No.5107 of 2015

Rajesh KumarPetitioner

Versus

State of Haryana and othersRespondents

(17)

CWP No.5175 of 2015

Pravinder AryaPetitioner

Versus

State of Haryana and anotherRespondents

(18)

CWP No.5186 of 2015

Hardeep Singh and othersPetitioners

Versus

State of Haryana and othersRespondents

(19)

CWP No.5248 of 2015

Basant KumarPetitioner

Versus

The State of Haryana and othersRespondents

(20)

CWP No.5251 of 2015

SurjitPetitioner

Versus

The State of Haryana and othersRespondents

(21)

CWP No.5264 of 2015

Om DuttPetitioner

Versus

The State of Haryana and othersRespondents

(22)

CWP No.5287 of 2015

NeelamPetitioner

Versus

The State of Haryana and othersRespondents

(23)

CWP No.5306 of 2015

Mukesh KumarPetitioner

Versus

The State of Haryana and othersRespondents

(24)

CWP No.5311 of 2015

Balwan and othersPetitioners

Versus

State of Haryana and othersRespondents

(25)

CWP No.5349 of 2015

Manju Bala and othersPetitioners

Versus

State of Haryana and othersRespondents

(26)

CWP No.5368 of 2015

Raj KamalPetitioner

Versus

The State of Haryana and othersRespondents

(27)

CWP No.5377 of 2015

Sunil Kumar and anotherPetitioners

Versus

The State of Haryana and othersRespondents

(28)

CWP No.5380 of 2015

Sunita DeviPetitioner

Versus

The State of Haryana and othersRespondents

(29)

CWP No.5383 of 2015

Satya Parkash and anotherPetitioners

Versus

The State of Haryana and othersRespondents

(30)

CWP No.5443 of 2015

Vikas Kumar and othersPetitioners

Versus

State of Haryana and othersRespondents

(31)

CWP No.5493 of 2015

Ram KumarPetitioner

Versus

The State of Haryana and othersRespondents

(32)

CWP No.4483 of 2015

Imrat Khan and othersPetitioners

Versus

State of Haryana and othersRespondents

(33)

CWP No.4762 of 2015

JagdeepPetitioner

Versus

The State of Haryana and othersRespondents

(34)

CWP No.4795 of 2015

Karamvir Singh and othersPetitioners

Versus

State of Haryana and othersRespondents

(35)

CWP No.4843 of 2015

Ranbir Singh and othersPetitioners

Versus

State of Haryana and othersRespondents

(36)

CWP No.4807 of 2015

Devender Singh and othersPetitioners

Versus

The State of Haryana and othersRespondents

(37)

CWP No.4850 of 2015

Sombir and othersPetitioners

Versus

State of Haryana and othersRespondents

(38)

CWP No.4855 of 2015

Sushil Kumar and othersPetitioners

Versus

State of Haryana and othersRespondents

(39)

CWP No.4895 of 2015

Anil Kumar and othersPetitioners

Versus

State of Haryana and othersRespondents

(40)

CWP No.4805 of 2015

Rajesh Kumar and othersPetitioners

Versus

State of Haryana and othersRespondents

(41)

CWP No.4350 of 2015

Ajay Kumar ChhikaraPetitioner

Versus

The State of Haryana and othersRespondents

(42)

CWP No.4897 of 2015

Khushi RamPetitioner

Versus

State of Haryana and othersRespondents

(43)

CWP No.4909 of 2015

Jagmahinder Singh and othersPetitioners

Versus

State of Haryana and othersRespondents

(44)

CWP No.4931 of 2015

Ravinder Singh and othersPetitioners

Versus

State of Haryana and othersRespondents

(45)

CWP No.5310 of 2015

Parvesh KumariPetitioner

Versus

State of Haryana and othersRespondents

(46)

CWP No.5440 of 2015

Pawan KumarPetitioner

Versus

State of Haryana and othersRespondents

(47)

CWP No.5472 of 2015

UrmilaPetitioner

Versus

State of Haryana and othersRespondents

(48)

CWP No.5513 of 2015

Ravi Raj Sandeep and othersPetitioners

Versus

State of Haryana and othersRespondents

(49)

CWP No.5754 of 2015

Anil KumarPetitioner

Versus

State of Haryana and othersRespondents

(50)

CWP No.5840 of 2015

Rakesh KumarPetitioner

Versus

State of Haryana and othersRespondents

(51)

CWP No.5884 of 2015

SatishPetitioner

Versus

State of Haryana and othersRespondents

(52)

CWP No.5925 of 2015

Sonu Kumar and othersPetitioners

Versus

State of Haryana and othersRespondents

(53)

CWP No.5939 of 2015

Sandeep and othersPetitioners

Versus

The State of Haryana and othersRespondents

(54)

CWP No.6063 of 2015

Pradeep and othersPetitioners

Versus

State of Haryana and othersRespondents

(55)

CWP No.6113 of 2015

Vazir Singh and othersPetitioners

Versus

State of Haryana and othersRespondents

(56)

CWP No.6221 of 2015

Ajay KumarPetitioner

Versus

State of Haryana and othersRespondents

(57)

CWP No.8400 of 2015

Hem LataPetitioner

Versus

The State of Haryana and othersRespondents

(58)

CWP No.6871 of 2015

Bimla DeviPetitioner

Versus

State of Haryana and anotherRespondents

(59)

CWP No.4898 of 2015

Satish Singh and othersPetitioners

Versus

State of Haryana and othersRespondents

(60)

CWP No.5014 of 2015

SumanPetitioner

Versus

State of Haryana and othersRespondents

(61)

CWP No.9009 of 2015

Baljeet Singh

....Petitioner

Versus

The State of Haryana and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)
2. To be referred to reporters or not ? (Yes/No)
3. Whether the judgment should be reported in the Digest ? (Yes/No)

Present:- Mr. Anu Singh, Advocate
for Mr. Inderpal Goyat, Advocate
for the petitioner(s) in
CWP No.4729 of 2015.

Mr. Jagbir Malik, Advocate
for the petitioner(s) in
**CWP Nos.4350, 4938, 4977, 4984, 4986, 4995,
5044, 5061, 5139, 5209, 5248, 5251, 5264, 5287,
5306, 5939 and 8400 of 2015.**

Mr. Ram Pal Verma, Advocate
for the petitioner(s) in
CWP No.5045 of 2015.

Mr. H.N. Sahu, Advocate
for the petitioner(s) in
CWP No.5472 of 2015.

Mr. R.N. Sharma, Advocate
for the petitioner(s) in
CWP No.5107 of 2015.

Mr. B.S. Rathee, Advocate
for the petitioner(s) in
CWP No.5186 of 2015.

Dr. Anmol Rattan Sidhu, Sr. Advocate
with Mr. Shiv Kumar Sharma, Advocate
for the petitioner(s) in
CWP No.5135 of 2015.

Mr. D.S. Patwalia, Sr. Advocate
with Mr. Sehaj Bir Singh, Advocate
for the petitioner(s)
in **CWP No.4898 of 2015.**

Mr. Alok Jagga, Advocate
for the petitioner(s) in
CWP No.4897 of 2015.

Mr. Amandeep Singh Talwar, Advocate
for the petitioner(s) in
CWP Nos.4909, 6063, 5349 and 5513 of 2015.

Mr. Saurabh Dalal, Advocate
for the petitioner(s) in
CWP Nos.6871, 4895, 5175, 5443 and 6221 of 2015.

Mr. Sansar Kundu, Advocate
for the petitioner(s) in
CWP No.5383 of 2015.

Mr. V.K. Jindal, Sr. Advocate
with Mr. Amardeep Sheoran, Advocate
for the petitioner(s) in
CWP Nos.4930, 4843, 4805 and 4795 of 2015.

Mr. Sant Lal Barwala, Advocate
for the petitioner(s) in
CWP No.5493 of 2015.

Mr. Manoj Tanwar, Advocate
for the petitioner(s) in
CWP No.5754 of 2015.

Mr. Rajeev Kawatra, Advocate
for the petitioner(s) in
CWP No.5840 of 2015.

Mr. S.K. Nehra, Advocate
for the petitioner(s) in
**CWP Nos.5311, 4483, 5310, 4855, 4850 and 5884
of 2015.**

Ms. Nancy Gupta, Advocate
for Mr. R.S. Malik, Advocate
for the petitioner(s) in
CWP Nos.5063 and 5014 of 2015.

None for the petitioner(s)
in **CWP Nos.5368, 4951, 6113, 5925, 9009,
5380, 5377, 4762, 4807, 4931 and 5440 of 2015.**

Mr. Harish Rathee, Sr. D.A.G., Haryana
for the respondent-State.

Mr. D.K. Khanna, Advocate
for the respondent-Board of School Education, Bhiwani.

DAYA CHAUDHARY, J. (ORAL)

This order of mine shall dispose of **CWP Nos.4729, 4938, 4977, 4984, 4986, 4995, 5044, 5061, 5139, 5209, 5135, 4930, 4951, 5045, 5063, 5107, 5175, 5186, 5248, 5251, 5264, 5287, 5306, 5311, 5349, 5368, 5377, 5380, 5383, 5443, 5493, 4483, 4762, 4795, 4843, 4807, 4850, 4855, 4895, 4805, 4350, 4897, 4909, 4931, 5310, 5440, 5472, 5513, 5754, 5840, 5884, 5925, 5939, 6063, 6113, 6221, 8400, 6871, 4898, 5014 and 9009 of 2015** as common question of law and issue is involved in all these cases. However, for the sake of convenience, the facts are being derived from **CWP No.4729 of 2015** titled as **Shilk Ram vs The State of Haryana and others**.

The petitioners were selected and appointed on the posts of JBT teachers in pursuance of Advertisement no.4/2009 issued by the Haryana Teacher Selection Board. **CWP No.22995 of 2010** titled as **Kavita Kumari and others vs State of Haryana** was filed before this Court for issuance of a direction to conduct an inquiry/verification of finger prints/thumb impressions/photographs of all the candidates, who qualified the School Teachers Eligibility Test (here-in-after referred to as "STET") between June, 2008 to December, 2009 with their OMR Sheets of Application Form and OMR sheets of STET Exam. The aforesaid petition was disposed of with the direction to conduct an enquiry. The selection/appointment was also challenged in **CWP No.3 of 2011** titled as **Parveen Kumari and others vs State of Haryana and others** on the ground that no verification of finger prints/thumb impressions was done to find out the genuineness of the candidates. Thereafter, an enquiry was alleged to be conducted without associating the petitioners. Subsequently, Show Cause Notices have been issued to all the selected/appointed

candidates, who have approached this Court by way of filing various writ petitions, which are subject matter of challenge in all these writ petitions.

In response to notice of motion, written statement has been filed in one case i.e **CWP No.4729 of 2015** today in the Court and the same is taken on record.

Mr. D.S. Patwalia, learned senior counsel for the petitioners submits that reply to the Show Cause Notice has been submitted in almost all the cases but the same has not been considered. Moreover, the Show Cause Notices issued by the respondent-authority would show that the authority has already made up its mind to terminate the services of the petitioners without giving any opportunity of hearing or without conducting any enquiry.

Learned counsel for the respondent-State submits that in nine cases, after issuance of notice of motion, reply to show cause notice has been considered and the notices have been withdrawn. He further submits that reply to the Show Cause Notices in the remaining cases will be considered and necessary action would be taken as per law.

I have heard learned counsel for the parties at length and have perused the case file.

It is apparent from the language of the notices issued to the candidates/petitioners that the respondent-authority has made up its mind to terminate the services of the petitioners without conducting any enquiry, whereas, learned counsel for the respondent-State submits that the Show Cause Notices have been issued on the basis of scientific inquiry and the action is being taken only in those cases, wherein, the allegations have been found to be correct. However, in case, it is found that the case of the petitioners is not as per allegations mentioned in the Show Cause Notices then the Show Cause Notices will be withdrawn.

Mr. Harish Rathee, learned Senior Deputy Advocate General, Haryana has assured this Court that the action will be taken as per law after considering the reply, if it is filed.

The termination order cannot be passed only on the basis of the report, which is available with the respondent-State. Neither the petitioners have been associated in the inquiry nor any material has been brought to their notice in any manner. Moreover, the petitioners are regular employees and any action with regard to termination of their services cannot be taken without following the procedure laid down under the Haryana Civil Services (Punishment and Appeal) Rule, 1978.

Accordingly, all the petitions, as mentioned here-in-above, are allowed and the impugned Show Cause Notices in all the petitions are, hereby, set aside. However, the respondent-authority is at liberty to proceed further and pass fresh order after affording proper opportunity of hearing as per law. It is also advised that in case, any enquiry has been conducted, the enquiry report be made available before giving any fresh Show Cause Notice.

It is also made clear that in case, any adverse order is passed against the petitioners, they are at liberty to avail the appropriate remedy.

Allowed in the aforesaid terms.

(DAYA CHAUDHARY)
JUDGE

13.05.2015
gurpreet