

NARINDER SINGH  
v.  
STATE OF HARYANA AND ORS.

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SEPTEMBER 27, 2006

[ARIJIT PASAYAT AND LOKESHWAR SINGH PANTA, JJ.]

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*Judgment:*

*Pleas raised by parties—Non-consideration of—Effect—High Court arriving at a decision without considering the various pleas raised by the petitioner—Held: Not proper—Matter remitted back for fresh disposal.*

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The challenge in these appeals is to the decision of High Court dismissing the writ petition so far it related to the present appellants while issuing notice to the other writ petitioners. The grievance of appellants is that they had made various submissions before the High Court which were not noticed and the writ petition was dismissed only on the ground that no benefit was available under Rule 3.8 of the Police Training College Manual.

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Allowing the appeal, the Court

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**HELD:** The High Court's order shows that it had not considered the various stands of the appellants. It also did not mention that no other point except that relating to Rule 3.8 of the Police Training College Manual was pressed into service. Had it been so, the grievance of the appellants would have been without any basis. It was open to the High Court to discard the plea. But to restrict consideration to one point and not to others was certainly not a permissible course. It may be, that different pleas as raised are without any substance. But that should have been clearly indicated in the impugned order. That having not done so, the order of the High Court is set aside and the case remanded to it for a fresh disposal in accordance with law. [689-D-F]

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 4282 of 2006.

From the Final Judgment/Order dated 4.7.2005 of the High Court of Punjab and Haryana at Chandigarh in Civil Writ Petition No. 9808/2005.

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C.A. No. 4283/2006.

L.N. Rao, Abhishth Kumar and K.N. Tripathy for the Appellant in *C.A. No. 4282/2006*.

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Radha Shyam Jena for the Appellant in *C.A. No. 4283/2006*.

Ajay Siwach and T.V. George for the Respondents.

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The Judgment of the Court was delivered by

**ARIJIT PASAYAT, J.** Leave granted.

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Challenge in these appeals is to the judgment rendered by a Division Bench of the Punjab and Haryana High Court dismissing the writ petition so far as it related to the present appellants while issuing notice to the other two writ petitioners.

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The High Court held that the present appellants are not entitled to the benefit in terms of Rule 3.8 of Police Training College Manual (in short the 'Manual') and thus not entitled to grant of grace marks. As noted supra, in the case of co-writ petitioners notice was issued by the High Court. According to learned counsel for the appellants various submissions were made before the High Court which it did not notice and only on the ground that no benefit was available under Rule 3.8 of the Manual the writ petition was dismissed.

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Learned counsel for the respondent-State, however, supported the order of the High Court.

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So far as claim of different submissions made by the appellants as is clear from a bare reading of the writ petition they were essentially as follows:

(i) That action of the respondents is contrary to the Police Training College Manual wherein four chances have been provided and services of the petitioners are being terminated only after granting two chances.

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(ii) That the petitioners were not even allowed to complete their one year training as per Rules. Rather first examination was conducted when they have only completed 9 months training.

- (iii) That even sufficient time was not granted to the petitioners when 2nd time examination was conducted. A
- (iv) That earlier also many chances have been given to pass the examination. Even opportunity was granted to pass the training fresh to many candidates.
- (v) That to discharge the petitioners only after granting two opportunities is on the face of it arbitrary and illegal. B
- (vi) That the course was very lengthy and there was no proper instructors to teach the law subjects and even the examinations were conducted without completing the full, one year training.” C

The writ petition was dismissed so far as the present appellants are concerned at the admission stage. No notice had been issued and no counter affidavit had been filed. The stand of learned counsel for the State is that various stands highlighted by the appellant in the writ petition are clearly unsustainable in law. D

A bare reading of the High Court's order shows that it did not consider the various stands of the appellants. It also did not mention that no other point except that relating to Rule 3.8 of the Manual was pressed into service. Had it been so, the grievance of the appellants would have been without any basis. But the High Court did not even refer to the various stands taken by the appellants. It was open to the High Court to discard the plea but to restrict consideration to one point and not to others was certainly not a permissible course. It may be, as contended by learned counsel for the State, that different pleas as raised are without any substance. But that should have been clearly indicated in the impugned order. That having not done so, we set aside the order of the High Court and remand the case to it for a fresh disposal in accordance with law. Since the counter affidavit has not been filed by the respondents before the High Court, let them do so within a period of four weeks. Since the matter is of some urgency the High Court is requested to decide the writ application as early as possible preferably by the end of December, 2006. We make it clear that we have not expressed any opinion so far as acceptability or otherwise of the stands taken by the writ petitioner nos.1 and 2 and/or the acceptability of various stands as noted above taken by present appellants. E  
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The appeals are allowed. There will be no order as to costs.