
(2020) 10 SHI CK 0122
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 948 Of 2019

Ashok Kumar

APPELLANT

Vs

State Of H.P. & Others

RESPONDENT

Date of Decision : 13-10-2020

Acts Referred:

Citation : (2020) 10 SHI CK 0122

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Pankaj Thakur, Dinesh Thakur, Sanjeev Sood, Aruna Sharma, Adarsh K. Vashista, R.L. Chaudhary

Judgement

Ajay Mohan Goel, J

1. This writ petition was filed by the petitioner, praying for the following reliefs:-

"a. Issue a writ of Certiorari to quash the impugned action of the respondents whereby they have appointed respondent No.5 as Physical Education Teacher (PET) who has taken benefit of the IRDP (sub category) illegally and fraudulently and also quash the IRDP certificate of the respondent no.5 which he has obtained illegally with the connivance of respondent no.4.

b.) Writ of Mandamus may kindly be issued to the respondent directing them to consider the candidature of the petitioner against the post of Physical Education Teacher (PET) whereas he is the most suitable and needy person in question".

2. When this case was listed 07.10.2020, this Court had passed the following order:-

"The issue involved in this case is of a very narrow compass. The petitioner has challenged the appointment of respondent No.5 against the post of Physical Education Teacher (PET), which appointment was offered to him on the basis of written objective screening test held on 21.07.2013, followed with personal interview, on the ground that respondent No.5 wrongly represented himself

belonging to the Integrated Rural Development Programme (IRDP) category, because on the said date his wife was already serving as a Constable in the Police Department of the State of Himachal Pradesh.

Heard for some time.

On the request of learned Additional Advocate General as well as learned Counsel appearing for the private respondent, the matter is ordered to be listed on 13.10.2020, to enable them to assist the Court".

3. Today, surprisingly, when the case was taken up for consideration, Mr. Naresh Kumar Sharma, who was representing the petitioner, informed the Court that the brief has been taken by the petitioner from him. Mr. Pankaj Thakur, Advocate submitted that he had instruction to appear on behalf of the petitioner and that he had instructions from the petitioner to withdraw this petition.

4. Petition is permitted to be withdrawn, subject to payment of cost of Rs.1,00,000/- with the Registry of this Court. The matter is ordered to be listed on 18.11.2020, by which date, the petitioner shall ensure the compliance of this order by depositing the cost so imposed upon him. It is clarified that in case no cost is paid then the State shall recover the same by way of recovery of land arrears. The Court is purposely imposing cost upon the petitioner for withdrawing the petition because by taking into consideration, what had transpired in the Court on the previous date of hearing, this Court can read in between the lines as to why the petition has been withdrawn by the petitioner.