

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

D.B. Special Appeal (Writ) No. 1002/2018

Chairperson Board Of Governors

----Appellant

Versus

Dr Pushpendra Singh Dhaka S/o Shri Raj Singh Dhaka and Ors.

----Respondents

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|                   |   |                                                                                   |
|-------------------|---|-----------------------------------------------------------------------------------|
| For Appellant(s)  | : | Mr. Sarthak Rastogi                                                               |
| For Respondent(s) | : | Mr. R.N. Mathur, Senior Advocate<br>Mr. Ajatshatru Mina with<br>Mr. Movil Jeenwal |

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**HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA**  
**HON'BLE MR. JUSTICE UMA SHANKER VYAS**

**Order**

**07/02/2025**

Heard on applications (Nos.2/2024 and 1/2024) for withdrawal as well as transposition respectively.

While the appellant seeks to withdraw the appeal, respondent No.3 has moved an application for being transposed as appellant mainly on the submission that while deciding the writ petition, the learned Single Judge has made disparaging remarks and strictures against the conduct of the respondent No.3, therefore, as long as those strictures remain on record, it will have deleterious effect. Learned counsel submits that in fact, there had been delay in release of gratuity and on petition filed before another High Court, the employer referred to these strictures and remarks.

Learned counsel for respondent No.3 makes statement at the Bar that disciplinary enquiry has also been opened.

Learned counsel for the writ-petitioner-respondent No.1 opposes and submits that order passed by the learned Single Judge does not result in any legal injury to respondent No.3 because he was only the Chairman of the Selection Committee and not the Institution. He would argue that only the Institution could have challenged the order and not the Chairman of the Committee. Institution having decided not to pursue the appeal, the Chairman could not, in his individual capacity, pursue the appeal.

Present is a case where learned Single Judge while allowing the writ petition, made disparaging remarks against respondent No.3 the Chairman of the Committee, which is clear from the contents of the paragraph Nos.60 and 62 of the order of the learned Single Judge. The strictures and remarks made against respondent No.3 are capable of damaging or adversely affecting him. In fact, when his gratuity was withheld and the writ petition was filed before another High Court, a defence was taken quoting the strictures made against respondent No.3.

Therefore, it is clear that where strictures and remarks have been made, the person against whom such strictures and remarks have been made, is entitled to challenge the order seeking expunging/removal of those remarks irrespective of the result of the case.

On that ground, we are inclined to allow the applications for withdrawal as well as for transposition. Respondent No.3 is allowed to be transposed as appellant. The present appellant is permitted to withdraw from the appeal.



[SAW-1002/2018]

Amended cause-title shall be filed by respondent No.3 within a period of two weeks and the appeal be listed for hearing.

Application (No.1/2023) for taking additional documents on record shall be considered at the time of hearing.

(UMA SHANKER VYAS),J

(MANINDRA MOHAN SHRIVASTAVA),CJ

SANJAY KUMAWAT/RAJAT/28