

CWP No. 13915 of 2015

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

CWP No. 13915 of 2015

Date of Decision: July 15, 2015

Sita Ram Sharma

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Naveen S. Bhardwaj, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (Oral):

Challenge in this writ petition is to the order dated 16.09.2014 (Annexure P-12) passed by respondent No.1 vide which in the departmental enquiry which has been initiated against respondent No.6, she has been exonerated in the departmental proceedings by maneuvering the proceedings in a tailor made fashion without bringing the relevant material/information with respect to her ineligibility before the Enquiry Officer.

It is the contention of the counsel for the petitioner that the relevant documents were not produced before the Enquiry Officer despite they having been available with the department which has resulted in passing of the impugned order. He contends that as per the documents available in the department which the petitioner has received under the Right to Information Act, indicates that in the initial M.A. certificate/mark-sheet which has been produced by respondent No.6 as far as M.A. Part IInd Hindi examination 1986

under Roll No.G-36944, the father name is mentioned as 'J.R.' and in the duplicate mark-sheet, it is mentioned as 'B.D', whereas, the name of respondent No.6 is different i.e. Shashi Prabha and Shashi Bala, respectively. This clearly shows that there has been either interpolation or maneuvering on the part of respondent No.6 which has not been produced primarily with a *mala fide* intention before the Enquiry Officer to misguide the said Officer which has resulted the report qua the ineligibility aspect to go in favour of respondent No.6.

Counsel for the petitioner further states that as per the information received by the petitioner from the Maharishi Dayanand University, Rohtak, from where she had obtained her B.Ed. degree in April 1979, respondent No.6 has never obtained any migration certificate which would have entitled him for admission in Chaudhary Charan Singh University, Meerut, for pursuing her M.A. Degree.

I have considered the submissions made by the counsel for the parties and gone through the records of the case.

On considering the submissions made by the counsel for the petitioner and going through the records of the case, there are apparent disputed questions of fact which are involved in the present writ petition which would require evidence to be led by the parties as there are different documents available on record which either are stated to be in possession of the department and not produced before the Enquiry Officer or which have been received by the petitioner under the Right to Information Act. These being issues which cannot be decided in a summary manner in proceedings under

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Article 226 of the Constitution of India, this Court restrains itself to exercise discretionary and equitable power and relegates the petitioner to avail of his remedy in accordance with law including Civil Suit.

The writ petition stands disposed of with above observation.

July 15, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**