

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

**CWP No. 1589 of 2014
Decided on : 10.08.2015**

Sumit Kumar

... Petitioner

Versus

Haryana School Education Board

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Lekh Raj Sharma, Advocate
for the petitioner.

Mr. Sandeep Goyat, Advocate
for the respondent.

G.S. Sandhawalia , J. (Oral)

The present writ petition has been filed for quashing the order dated 11.12.2013 whereby the respondent-Board has recalled the certificate No. A.G-091559 issued by it of qualification of senior secondary examination.

While issuing notice of motion on 29.01.2014, this Court had passed the following order:-

“Counsel contends that initially, show cause notice (Annexure P-9) was sent to the petitioner whereby, he was asked to come present on 08.04.2013 and the dispute was of passing the matriculation examination in the year 2004 from two places namely Hindi Sahitye Samelem, Allahabad and Arya Senior Secondary School Shiksha Sadan, Aata (Panipat). The petitioner sent his reply on 27.04.2013 (Annexure P-10)

and vide the impugned order dated 11.12.2013, his senior secondary certificate (Annexure P-4) has been withdrawn on the ground that he had presented a forged school leaving certificate of 10+1 of B.M. Modern Senior Secondary School, Bilundpur Kheri, District Sonapat.

Accordingly, it is contended that the show cause notice was on a different account and the order is passed on a different account without hearing the petitioner.

Notice of motion for 11.03.2014.

In the meantime, operation of order Annexure P-1 shall remain stayed.”

In the written statement filed, it has been contended that the petitioner procured the school leaving certificate of 10+1 from B.M. Modern Senior Secondary School, Bilundpur Kheri, District Sonapat and when the said fact came to the knowledge of the answering respondent, the result of the 10+2 has been cancelled.

Thus, it is apparent that the cancellation of examination is on altogether a different ground and the show cause notice which was issued to the petitioner.

In such circumstances, this Court is of the opinion that the said order is not justifiable, as the petitioner has to be given reasonable opportunity to put forth his case before any drastic action has to be taken especially since the petitioner has thereafter taken various degrees on the strength of said certificate.

Accordingly, the writ petition is allowed. The order

dated 11.12.2013 (Anneuxre P-1) is quashed and it is open to the Board to take appropriate action against the petitioner after issuing show cause notice to the petitioner on the ground which it wants to take action on. The petitioner would be entitled to file reply and thereafter the order should be passed preferably after giving sufficient opportunity of hearing.

In view of the above, the present writ petition is disposed of.

AUGUST 10, 2015

Naveen

**(G.S. SANDHAWALIA)
JUDGE**