

IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

CWP No.19793 of 2015

Date of Decision:21/09/2015

Jagmendra and others

...Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Suvir Sidhu, Advocate for the petitioners.

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest?

DEEPAK SIBAL, J.

Learned senior counsel appearing on behalf of the petitioners does not press the petition qua petitioners No.3 and 11 on the ground that FIR against them has already been lodged.

Dismissed as not pressed qua petitioners No.3 and 11.

The selection of JBT teachers was challenged before this Court through a bunch of petitions, the leading case in which was **CWP No.3 of 2011** titled **Parveen Kumari and others v. State of Haryana and others.** One of the main issues of challenge raised in that case was that one of the eligibility conditions for selection as a JBT teacher was that a candidate should have passed School Teacher Eligibility Test (STET), conducted by the Board of School Education, Haryana, in which, large scale impersonation was alleged. Through an interim order, this Court directed the thumb impressions on the application forms and the OMR sheets of the STET to be compared with the sample thumb impressions of the candidates by the Forensic Science Laboratory (FSL), Madhuban, Karnal. As per the orders passed by this Court, the examination was done and a report was submitted. After hearing counsel for the parties and going through the record of the case, especially the report given by the FSL, case of **Parveen Kumari (supra)** was disposed of vide order dated 3.8.2015, directing the State to take disciplinary action, as also to initiate criminal proceedings.

In compliance with the orders passed by this Court in Parveen Kumari's case (*supra*), the petitioners, who were serving as a JBT teacher, were served with a charge-sheet, alleging therein impersonation and fraud on their part.

To the above charges, the petitioners have submitted their replies but without awaiting for the outcome of the same have rushed to this Court through the present writ petition.

Once charge-sheets have been served upon the petitioners to which they have submitted their replies, they should have not rushed to this Court without awaiting for the final out-come thereupon. Thus, the present petition is clearly premature.

The other prayer made by the petitioners is to restrain the respondents from initiating criminal proceedings against them. It is not disputed that as on date, no criminal proceedings have been initiated against the petitioners. The petition, thus, on this count as well, is premature. Even if a criminal proceeding is lodged against the petitioners, they have adequate remedies under the Code of Criminal Procedure, 1973, which they are at liberty to avail of, if so advised.

It is the prerogative of the State to initiate criminal proceedings against the persons, who, according to them, have indulged in impersonation and fraud, especially when such action is being taken under orders of this Court, in Parveen Kumari's case (*supra*).

Initiation and then pendency of criminal proceedings against an individual has serious consequences, not only on him and his future, but also on his family. It is, therefore, expected and for which, I have no doubt in my mind that the State of Haryana before initiating criminal proceedings against each of the individuals, would consider each case with the seriousness that it deserves. As an abundant caution, a direction is issued to the State of Haryana that before loding of FIRs, each case will be considered and dealt with separately and only if, after due application of mind, a case for criminal prosecution is made out, the same would be initiated.

In view of the facts and circumstances noticed above, the present petition, qua both the prayers pressed before me, is premature, and therefore, at this stage, I am not inclined to entertain the present petition in

exercise of jurisdiction under Article 226 of the Constitution of India, and therefore, order dismissal of the same.

No costs.

**(DEEPAK SIBAL)
JUDGE**

21.09.2015
rajeev