

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

CWP No.20169 of 2015

Date of Decision:05/10/2015

Pardeep and others

...Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Shranav Katyal, Advocate and
Mr. Manhar S. Saini, 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. (Oral)

Shorn of unnecessary details, the facts in brevity, as borne out from the record, as also after hearing counsel for the petitioners, are that 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 are serving as a JBT teachers,

were served with charge-sheets, alleging therein impersonation and fraud on their part. The charges levelled against the petitioners are reproduced below:

“Pardeep

“OPINION-5137”:

(Roll No.1231092) Inter-se examination of signatures in the red enclosed parts marks R5137, R5137/1, S5137, S5137/1 reveals that specimen signatures in the red enclosed parts marked S5137, S5137/1 show modification in execution of some character/(s) vis-a-vis R5137, R5137/1 which are attributed to the passage of time and show reasonable inter-se consistency among them. Differences are observed between R5137, R5137/1, S5137, S5137/1 and Q5137, Q5137/1 in the general characteristics as well as in the individual writing characteristics in the execution of character/(s), nature of connecting strokes among them which are fundamental in nature and are beyond the range of natural variations and intended disguise-which leads to the opinion that the person who wrote red enclosed signatures in the red enclosed parts marked R5137, R5137/1, S5137, S5137/1 did not write the signatures in the red enclosed parts marked Q5137, Q5137/1.

Note: There are marks of erasure against Sr. No.31 on OMR Sheet Part-1 'Darken only one option for answering each question.'

Vikas

“OPINION-4997”:

(Roll No.1143701) Inter-se examination of signatures in the red enclosed parts marks R4997, R4997/1, S4997, S4997/1 reveals that specimen signatures in the red enclosed parts marked S4997, S4997/1 show modification in execution of some character/(s) vis-a-vis R4997, R4997/1 which are attributed to the passage of time and show reasonable inter-se consistency among them. Differences are observed between R4997, R4997/1, S4997, S4997/1 and Q4997, Q4997/1 in the general characteristics as well as in the individual writing characteristics in the execution of character/(s), nature of connecting strokes among them which are fundamental in nature and are beyond the range of natural variations and intended disguise-which leads to the opinion that the person who wrote red enclosed signatures in the red enclosed parts marked R4997, R4997/1, S4997, S4997/1 did not write the signatures in the red enclosed parts marked Q4997, Q4997/1.

Hawa Singh

“OPINION-5020”:

(Roll No.1180113) Inter-se examination of signatures in the red enclosed parts marks R5020, R5020/1, S5020, S5020/1 reveals that specimen signatures in the red enclosed parts marked S5020, S5020/1 show modification in execution of some character/(s) vis-a-vis R5020, R5020/1 which are attributed to the passage of time and show reasonable inter-se consistency among them. Differences are observed between R5020, R5020/1, S5020, S5020/1 and Q5020, Q5020/1 in the general characteristics as well as in the individual writing characteristics in the execution of character/(s), nature of connecting strokes among them which are fundamental in nature and are beyond the range of natural variations and intended disguise-which leads to the opinion

that the person who wrote red enclosed signatures in the red enclosed parts marked R5020, R5020/1, S5020, S5020/1 did not write the signatures in the red enclosed parts marked Q5020, Q5020/1.”

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 lodging 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

05.10.2015
rajeev