

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

CWP No.20227 of 2015

Date of Decision:05/10/2015

Anil Kumar

...Petitioner

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 petitioner.

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 petitioner, who is serving as a JBT teacher,

was served with a charge-sheet, alleging therein impersonation and fraud on his part. The charges levelled against the petitioner are reproduced below:

“Anil Kumar

“OPINION-4628”:

(Roll No.1211389) Inter-se examination of signatures reading as 'ANIL KUMAR' in the red enclosed parts marked Q4628, Q4628/1 and R4628, R4628/1 reveals that the signatures marked Q4628, Q4628/1 are slow and drawn and show hesitations at unusual places-attributed to the defective line quality whereas the signature marked R4628, R4628/1 are freely written, show natural variations-signature in the red enclosed part marked Q4628, Q4628/1 and R4628, R4628/1 have been written by two different persons.

Comparison of specimen signatures in the red enclosed part marked S4628, S4628/1 are short signature and have been written with a specific pattern whereas the signature read as 'ANIL KUMAR' in the red enclosed parts marked Q4628, Q4628/1 as well as R4628, R4628/1 and as such, technically specimen signatures in the red enclosed parts marked S4628, S4628/1 are not inter-se comparable with signatures in the red enclosed parts marked Q4628, Q4628/1 as well as R4628, R4628/1.”

To the above charges, the petitioner has submitted his reply but without awaiting for the outcome of the same has rushed to this Court through the present writ petition.

Once a charge-sheet has been served upon the petitioner to which he has submitted his reply, he 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 petitioner is to restrain the respondents from initiating criminal proceedings against him. It is not disputed that as on date, no criminal proceedings have been initiated against the petitioner. The petition, thus, on this count as well, is premature. Even if a criminal proceeding is lodged against the petitioner, he has adequate remedies under the Code of Criminal Procedure, 1973, which he is 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