

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.13225 of 2016
Date of Decision: 11.07.2016

Harish Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Tara Chand Dhanwal, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

As per pleadings on record, petitioner had earlier filed CWP No.25263 of 2014 in this Court seeking a writ in the nature of mandamus directing the official respondents to inquire and to take appropriate legal action against one Sneha Lata daughter of Sh. Ram Ji Lal by alleging that she has secured appointment on the post of JBT in spite of not being eligible to hold such post.

The aforementioned writ petition came up for hearing and disposed of on 12.01.2015. The operative part of the order reads in the following terms:-

“In the instant petition, we do not find any element of public interest. However, if the petitioner is aggrieved against the illegal appointment of any person, he can make a complaint in this regard to the appointing authority (respondent No.2 herein) for looking into the matter. Since no representation has been made to respondent No.2, we dispose of this petition with liberty to the petitioner to make a representation against the alleged illegal appointment of respondent No.4, and in case any such representation is made

by the petitioner to the said authority within a period of one month from today, we direct respondent No.2 to look into the same in accordance with law.”

The petitioner having thereafter filed a complaint, the same was examined and order dated 20.01.2016 (Annexure P-24) has been passed by the Director Elementary Education, Haryana finding no infirmity as regards the appointment of Sneh Lata (private respondent No.6 herein) to the post of JBT.

The instant writ petition assails such order dated 20.01.2016 at Annexure P-24.

Counsel appearing for the petitioner during the course of arguments would refer to a number of documents placed on record and appended along with the present petition to contend that private respondent was ineligible and the certificates upon which reliance have been placed by her are not genuine. It has also been argued that respondent authorities while passing the impugned order has not appreciated and examined documents that have been referred to by the present petitioner in the complaint that had been filed.

Having heard counsel for the petitioner at length, this Court is of the considered view that no interference would be called for in exercise of the extraordinary writ jurisdiction under Article 226 of the Constitution of India.

In the impugned order dated 20.01.2016 and while dealing with the complaint filed by the petitioner and while upholding the appointment of private respondent No.6 to the post of JBT, it has been observed in the following terms:-

“Certificates of Smt. Sneh Lata JBT have been got verified from concerned Boards and were found genuine. Her certificates are found genuine and she has duly passed the examinations and she is qualified for the post of a JBT teacher in Haryana. It is clear in the DMCs of the teacher that she has passed English in Matriculation but she has not opted English in 10+2. Complainant has not clarified what was the essential qualification of doing JBT from Rajasthan Education Department at that time 10th or 10+2. she is having English in Matric but not in 10+2. Complainant has also not shown or attached any document regarding this. Matric was the essential qualification for doing JBT for many years in all states. Regarding two appointment letter issued by District Elementary Education Officer, Jhajjar, it was clarified by the teacher that initially she was given Govt. Primary School Gochhi (Jhajjar) but on her request she was given Govt. Primary School Jhamri (Jhajjar). There is no fraud and forging of documents in this case.

I have gone through the all facts which were given in the writ petition and in the complaint by the petitioner and enquiry officer, in the enquiry report and found that the complaint of the petitioner is on the baseless facts and there is no merit in this application of the petitioner/complainant.

As explained above it is found that Smt. Sneh Lata was appointed on the post of JBT having required educational qualification like as 10+2 +D.Ed. or its similar qualifications. The representation/complaint submitted by Sh. Harish Kumar S/o Sh.Ram Kishan, Bank Colony, Near Rajender Yadav, Kariyana Store, Ward No.9, Bhiwani is hereby rejected.”

This Court while examining the impugned order would not act as an appellate authority. It was for the authorities to go into the aspect as regards genuineness of the qualifications possessed by private respondent as also the issue with regard to eligibility to hold the post in question. As

regards the contention raised by the counsel that the impugned order is perverse, it would require evidence to be led to test the veracity and genuineness of the certificates of private respondent.

While disposing of the present writ petition, liberty is granted to the petitioner to take out appropriate civil proceedings if so advised.

It is clarified that disposal of the present petition would not be taken as an opinion of this Court on merits and with regard to the validity of the order dated 20.01.2016 at Annexure P-24.

Disposed of.

11.07.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE