

CWP No. 14653 of 2016

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

CWP No. 14653 of 2016

Date of Decision : 08.11.2016

Suman

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Arvind Singh, Advocate with
Mr. Parveen Sharma, Advocate for the petitioner.

Anupinder Singh Grewal, J.(Oral)

Issue notice to respondents.

At the asking of the Court, Mr. Harish Rathee, learned Senior Deputy Advocate General, Haryana, accepts notice on behalf of the respondents. A copy of the paper book has been supplied to learned State counsel.

The petitioner has impugned order dated 30.05.2016 (Annexure P-8) passed by respondent No. 3, whereby her services have been terminated.

The petitioner was appointed as Data Entry Operator in the office of Deputy Excise and Taxation Commissioner, HUDA, Panipat-respondent No. 3 on a monthly salary of ₹4950/-. Her services were

regularized as Clerk in regular pay scale of ₹5200-20200 plus 1900 as grade pay, vide order dated 27.08.2014. After the regularization of her services as a Clerk, the educational certificates submitted by her were sent for verification. As the certificates of matriculation and intermediate (10+2) were found to be issued by an institute, which was not recognized, the services of the petitioner were terminated vide impugned order dated 30.05.2016 (Annexure P-8).

Learned counsel for the petitioner has contended that the certificates of matriculation and intermediate (10+2) issued by the Board of Secondary Education, Madhya Bharat, Gwalior (hereinafter referred to as 'the Board') are genuine. He has drawn my attention to verification letter dated 12.05.2015 (Annexure P-5), wherein the Information Officer of the Board has verified the genuineness of the certificates issued by it. Learned counsel for the petitioner has further contended that the certificates issued by the Board cannot be held to be issued by an unrecognized institute as it has been duly recognized. In support of his submissions, he has relied upon judgments of Allahabad High Court in the cases of ***Laxmi Kant Vs. State of U.P. through Secy. Basic Edu. Lucknow and others***, [MISC. SINGLE No. - 7816 of 2011, decided on 21.12.2011 (Annexure P-9)] and ***Santosh Kumar Vs. State of U.P. and others***, [WRIT-A No. -73146 of 2011, decided on 02.03.2012 (Annexure P-10)].

I have heard learned counsel for the petitioner.

In the Condition No. 2 of the petitioners' appointment, it is stipulated that her services would be terminated if the educational

certificates are found to be take.

The respondents after verification of the certificates have passed impugned order dated 30.05.2016 (Annexure P-8). A perusal of the impugned order reveals that the Board does not find mention in the list of member boards of the Council of Boards of School Education in India (COBSE) submitted by the COBSE in response to the information sought by the respondents for verification of the certificates of the petitioner. It is also stated that the Board is not recognized by the Board of School Education, Haryana. The reliance of learned counsel for the petitioner in the cases of ***Laxmi Kant Vs. State of U.P. through Secy. Basic Edu. Lucknow and others (supra)*** and ***Santosh Kumar Vs. State of U.P. and others (supra)*** is misplaced as they are distinguishable on facts from the instant case. In the case of ***Laxmi Kant Vs. State of U.P. through Secy. Basic Edu. Lucknow and others (supra)***, the U.P. Government had not taken any decision for de-recognizing the certificate issued by the Board and hence the petitioner therein was permitted to undergo BTC Training. In the case of ***Santosh Kumar Vs. State of U.P. and others (supra)***, the Board had been de-recognized by the Board of High School and Intermediate Education, U.P. Allahabad on 29.09.2011 with retrospective effect. It was in those circumstances, the Allahabad High Court had held that the decree obtained prior to the date of de-recognition, would be held to be valid. However, even in that judgment it is nowhere mentioned that on which date, the Board was recognized by the Board of High School and Intermediate Education, U.P. Allahabad.

On the contrary, in the instant case the Board has not been recognized by the Board of Secondary Education, Haryana at any point in time. The petitioner has also not placed on record any document whatsoever, which would indicate that the Board was ever recognized by the Board of Higher Secondary Education, Delhi as well.

Therefore, the action of the respondents in terminating the services of the petitioner on the ground of obtaining certificates from an unrecognized Board cannot be said to suffer from any infirmity, which would call for interference by this Court while exercising extraordinary writ jurisdiction.

In the result, the petition stands dismissed.

November 08, 2016.
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? Yes

Whether reportable? Yes/No