

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

**CWP No.28 of 2016 (O&M)
Date of Decision: 06.01.2016**

Pardeep Kaur @ Pushpa Devi

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI**

Present: Mr. Nonish Kumar, Advocate for the petitioner

SURYA KANT, J. (Oral)

(1) Notice of motion. On our asking, Ms. Kirti Singh, DAG Haryana accepts notice on behalf of respondents No.1 to 4. Though respondent No.5 is also a proper and necessary party to be heard but since no order on merits is being passed and there are time constraints also, hence we are not inclined to call upon him.

(2) The petitioner is an aspirant to contest the election of Sarpanch of Village Kail, Tehsil Jagadhari, District Yamuna Nagar, which is reserved for Scheduled Caste community. The minimum academic qualification required for a candidate is 8th pass for a female candidate. The petitioner relied upon Transfer Certificate of 8th Class purportedly issued by NA Junior High School, Sadak Dudli, Dehradun Road, Saharanpur in support of her eligibility. Respondent No.5 raised objections on 30.12.2015 against the petitioner's nomination on the ground that her academic qualification certificate is not genuine.

(3) Since District Saharanpur of Uttar Pradesh adjoins District Yamuna Nagar of Haryana, the Returning Officer of village Kail personally went to the Block Education Officer Urban, Saharanpur (UP) who vide letter dated 31.12.2015 (P4) informed the Returning Officer that the Transfer Certificate of 8th Class relied upon by petitioner was not mentioned at Serial No.177 in the Register maintained by his office. Based upon this communication, the Returning Officer rejected the petitioner's candidature for want of eligibility.

(4) The petitioner's case is that NA Junior High School, Sadak Dudli, Saharanpur from where she passed her 8th Standard Examination falls within Block Puwaranka of District Saharanpur and the Block Education Officer of Block Puwaranka has certified vide letter dated 02.01.2016 (P7) that the certificate relied upon by her is duly mentioned at Sr.No.177 in the Register/record maintained by his office and that the said certificate is duly signed and stamped by him on 01.03.2014.

(5) There are thus two conflicting certifications in respect of the academic qualifications of petitioner i.e. one by the Block Education Officer Urban, Saharanpur and the other by Block Education Officer, Block Puwaranka, District Saharanpur.

(6) On a combined reading of the documents on record, there appears to be some merit in the petitioner's contention that the genuineness of certificate relied upon by her deserves to be

verified from the authorities of Education Department at Block/Sub Division level where the said school is located. Since the Block Education Officer, Puwaranka has certified that NA Junior High School, Sadak Dudli, Saharanpur falls under Puwaranka Block, we are satisfied that the matter regarding eligibility of the petitioner requires re-determination.

(7) The writ petition is accordingly disposed of with a direction to the Deputy Commissioner, Yamuna Nagar-cum-District Election Officer to depute some senior officer to visit the Block Education Offices at Saharanpur and Puwaranka and/or any other relevant office(s) of Education Department and ascertain the veracity of the certificate relied upon by the petitioner. Needless to say that if the certificate is found genuine, the necessary consequences must follow.

(8) Let the needful be done by tomorrow.

(9) **Dasti** during the course of day.

(Surya Kant)
Judge

06.01.2016
vishal shonkar

(P.B. Bajanthri)
Judge