

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P. No. 7786 of 2016

Date of Decision : May 24, 2016

Suman Devi Petitioner
vs.
State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Jagbir Malik, Advocate
for the petitioner.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks quashing of charge-sheet dated 08.09.2015 issued to her by respondent no. 3 – District Elementary Education Officer, Bhiwani.

After hearing learned counsel for the petitioner, the facts, which are borne out from the record of the case and which have emerged from the arguments raised at the bar, are that the selection of JBT Teachers, under which the petitioner had been appointed, was challenged before this Court through a bunch of petitions, the lead case in which was **C. W. P. No.**

3 of 2011 – Parveen Kumari and others vs. State of Haryana and others.

One of the issues raised to challenge the selection was that in the School Teacher Eligibility Test (STET), passing of which was one of the pre-requisites, there had been large scale of impersonation. Through an interim order, this Court directed that the thumb impressions/signatures on the application forms and the OMR Sheets of the STET to be compared with sample thumb impressions/signatures of the candidates by the Forensic Science Laboratory (FSL), Madhuban, Karnal.

As per the afore-referred interim order passed by this Court, the comparison of thumb impressions/signatures was done and a report was submitted before this Court in Parveen Kumari's case (*supra*). After hearing the entire matter, vide order dated 03.08.2015, Parveen Kumari's case (*supra*) was disposed of directing the State to take disciplinary action, as also to initiate criminal proceedings against persons, who, as per report of the FSL, Madhuban, were found to have impersonated for appearing in the STET.

In compliance with the orders passed by this Court in Parveen Kumari's case (*supra*), the petitioner, who was serving as a JBT Teacher, on the basis of report of the FSL, Madhuban, was issued the impugned charge-sheet, the relevant portion of which is reproduced below for ready reference :-

*“That you have committed the act of
impersonation in the examination of STET/HTET
which is a criminal offence and you obtained the*

certificate at STET/HTET in a fraudulent manner.”

The afore-quoted charge levelled against the petitioner was based on the following report of FSL, Madhuban :-

“Opinion No. 136.

(Roll No. 1125819)

Inter-se examination of signatures in the red enclosed parts marked R-136, R-136/1, S-136, S-136/1 and Q136, Q136/1 reveals that these signatures do not show inter-se consistency among them. As such, it has not been possible to connect the authorship of signatures marked Q136, Q136/1 in comparison with R-136, R-136/1 as well as S-136, S-136/1.

NOTE : There are marks of tampering against Sr. No. 55 on OMR Sheet Part-1 and against Sr. Nos. 14, 44 on OMR Sheet Part-2 in 'Darken only one option for answering each question' respectively.”

A perusal of the above quoted charges, read with the report of the FSL, Madhuban, show that the inter-se comparison of the sample signatures of the petitioner, with her alleged signatures on the OMR Sheets, showed inconsistency.

The allegations made in the charge-sheet are extremely serious

and need to be taken to its logical end. The petitioner is stated to have filed reply to the charge-sheet, but without waiting for the final decision upon the same, she has rushed to this Court through the present petition.

The petition is clearly premature.

In view of the facts and circumstances noticed above, at this stage, I am not inclined to entertain the present petition in the exercise of extra-ordinary jurisdiction under Article 226 of the Constitution of India.

Dismissed.

(DEEPAK SIBAL)
JUDGE

May 24, 2016
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