

119

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

RSA No.1192 of 2016 (O&M)

Date of decision: March 17, 2016

State of Punjab and others

.....Appellants

Versus

Amandeep Kaur

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. K.D.S. Sidhu, Addl. AG Punjab.

SABINA, J

Respondent had filed suit for declaration challenging the orders dated 22.10.2009 and 21.08.2010.

The case of the respondent, in brief, was that she was appointed as Junior Basic Training ('JBT' for short) teacher at Public Vidya Kendra, Basranwan, District Gurdaspur from 10.05.2001 to 20.09.2005 and experience certificate dated 25.09.2007 was duly issued to her in this regard. The said certificate was counter signed by Block Education Officer, Kadian as well as District Education Officer, Gurdaspur. Thereafter, the respondent worked as Punjabi Mistress in Modern High School, Mata Kaulan Marg, Amritsar from 21.09.2005 to 22.07.2006. Thereafter, respondent was appointed on regular basis as Punjabi Teacher w.e.f. 24.07.2006 in Guru Nanak Dev Ji Modern School Lakhankalan, Gurdaspur. She was issued experience

certificate by the School in this regard, which was duly counter signed by Punjab School Education Board. In September 2007, posts of JBT/ETT teachers were advertised by the Punjab School Education Board. Respondent being eligible applied for the said post and was issued appointment letter dated 25.01.2008. Respondent was appointed on contract basis for 3½ years. Respondent joined the post of JBT teacher on 10.11.2008. District Education Officer (EE), Amritsar vide order dated 22.10.2009 decided to remove the respondent from service. Respondent challenged the said order in this Court by filing Civil Writ Petition No.16606 of 2009. The said writ petition was disposed of by this Court vide order dated 04.11.2009 as a statement was given by the appellants that it had decided to review the cases of all who wanted to lead evidence to show that the documents submitted by them were genuine. Although, respondent had shown the complete record pertaining to her experience but the committee submitted the report against the respondent and on the basis of the said report, the impugned orders were passed whereby services of respondent were terminated.

Appellants in their written statement averred that the experience certificates tendered by the respondent at the time of her appointment were found to be fake. Hence, the impugned orders were liable to be upheld.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. Whether the plaintiff is entitled to declaration as prayed for?OPP
2. Whether the plaintiff is entitled to mandatory injunction as prayed for?OPP
3. Whether the suit is not legally maintainable as prayed for?OPD
4. Whether the plaintiff has no cause of action to file the present suit against the defendants?OPD
5. Relief.”

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 16.12.2013 decreed the suit filed by the plaintiff-respondent. The said judgment/decreed passed by the trial Court were upheld in appeal filed by the defendants-appellant by the First Appellate Court vide judgment/decreed dated 06.08.2015. Hence, the present appeal by the defendants-appellants.

I have heard learned State counsel and have gone through the record available on the file carefully.

Admittedly, respondent was appointed as JBT teacher with the appellants and appointment letter dated 25.01.2008 was issued to her. In pursuance to the said appointment letter, respondent joined her duties. Services of respondent were terminated on the allegation that she

had produced fake experience certificates at the time of her appointment. Respondent in order to establish that the certificates produced by her were genuine, examined PW1- Kulwant Singh Managing Director, Public Vidya Kendar, Basranwan, District Gurdaspur. The said witness deposed that respondent had worked in their School w.e.f. 10.05.2003 to 20.09.2005. The said witness proved the appointment letter issued to the respondent and joining report submitted by her. He also proved on record the attendance register as well as the pay roll register. The said witness further deposed that the complete record had been produced before the DPI, Chandigarh and the experience certificate was counter signed by District Education Officer, Gurdaspur and Block Education Officer, Kadian. PW2 Ramesh Sharma, President Sri Guru Nanak Dev Ji Modern School, Lakhankalan, District Gurdaspur deposed that respondent was appointed in their School on 24.07.2006. The said witness proved the appointment letter, joining report, attendance report and pay register on record. PW2 further deposed that he had produced the relevant record before DPI, Chandigarh.

Thus PW1 and PW2 had deposed that the respondent had worked with them as a teacher for the period mentioned in the experience certificates tendered by the respondent at the time of her appointment with the

appellants. Thus, the respondent had been successful in establishing that the experience certificates produced by her were genuine. The Courts below after appreciating the evidence led by the parties on record, rightly held that the suit filed by the respondent was liable to be decreed.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

March 17, 2016
mahavir