

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.126

R.A. No.176 of 2016 in
CWP No.15825 of 2015

Bijender and another

vs.

State of Haryana and others

Present: Mr. J.S. Dahiya, Advocate
for the applicant-petitioner.

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The applicants-petitioners had approached this Court seeking quashing of orders dated 22.06.2015 (Annexures P-10 and P-11), through which, their services as a Drivers (heavy transport vehicle) had been terminated. The applicants-petitioners had further prayed for issuance of a direction to the respondents to reinstate them with all consequential benefits.

The facts, which need to be noticed for adjudicating upon the instant application, are that in December 2012, the State Transport Department, Government of Haryana, invited applications for appointment as Heavy Vehicles Drivers (on contract basis). Amongst others, the prescribed qualifications were Matric with Hindi/Sanskrit from a recognized Board or University.

In pursuance to the aforesaid advertisement, the applicants-petitioners applied for consideration of their candidature and being successful in the selection process, were offered appointment, however, with the following rider incorporated in the terms of their appointment :-

*“Attested copies of educational and professional
qualifications and Matriculation certificates shall be*

furnished. The documents pertaining to your qualification, experience, age and caste/category, as claimed by you in the application form shall be got checked/verified by the concerned General Manager, Haryana Roadways. If it is found that there is material discrepancy in the educational/professional qualifications, age, caste, reservation benefit under Ex-serviceman or outstanding sportsman etc. and experience that you had claimed in the application then this offer of appointment shall be treated as null and void. [Emphasis supplied]

A perusal of the above shows that the appointment of the applicants-petitioners was subject to the verification of their submitted documents and if it was found that there was any material discrepancy in the educational/professional qualifications etc., as claimed by them, then the offer of appointment would be treated as null and void.

The record reveals that after the verification of the Matriculation Certificates of the applicants-petitioners, it was found that the Board of Higher Secondary Education, Delhi (hereinafter referred to as – the Board), from where the applicants-petitioners had claimed to have passed their Matriculation examination, was not recognized. On that basis, after issuance of a Show Cause Notice, their services were dispensed with.

On the repeated queries posed by the Court, learned counsel for the applicants-petitioners was not able to show any document by any statutory Authority granting recognition to the Board, from where the applicants-petitioners claimed to have passed their Matriculation examination. Rather, a perusal of the affidavit filed on behalf of the Union of India in a connected matter being C. W. P. No. 17499 of 2015 – Raffik

Mohmad vs. State of Haryana and others, to which there is no rebuttal by the applicants-petitioners, shows that the Board of Higher Secondary Education, Delhi, from where the applicants-petitioners claim to have passed their Matriculation examination, is not recognized by the Ministry of Human Resources and Development, Government of India. The relevant portion of the affidavit is reproduced below for ready reference :-

“4. That the three Education Boards, namely Board of Secondary Education, Madhya Bharat, Gwalior, Board of Higher Secondary Education, New Delhi and Council of Secondary Education, Mohali, as mentioned in the order dated 01.10.2015 (Annexure-A1) of this Hon'ble Court are neither set up nor recognized by MHRD.

5. That MHRD, in order to ensure that innocent students do not become victim of unscrupulous and illegal activities of fake/unrecognised boards, had issued an advisory on 20.11.2008 (Annexure-A3) to all Education Secretaries of the State Governments and Union Territories and Chairpersons of CBSE and NIOS for prevention of functioning of fake boards within their defined territorial jurisdiction, as stipulated in the State Education Acts or Rules. It is thus imperative that every State and Union Territory ought to have a provision to regulate recognition of Education Boards, conduct of public examination and issue of certificates by such Boards. The States/UTs are expected to function as watchdogs so that fake institutions, calling themselves examination boards and issuing certificates, do not operate under their territorial jurisdiction and if any such Boards exist, they

should have appropriate mechanism to deal with such fake Boards. [Emphasis supplied]”

Thus, the Board from where the applicants-petitioners claim to have passed their matriculation is neither recognized by the State of Haryana nor the Government of India. Recognition by any other statutory body is also not shown.

Learned counsel for the applicants-petitioners submits that the termination of the services of the applicants-petitioners is in gross violation of principles of natural justice since the show cause notices dated 10.06.2015 (Annexures P-6 and P-7) had been issued to the applicants-petitioners through which 15 days time were given to them to file reply but even before the expiry of 15 days, through the impugned orders dated 22.06.2015 (Annexures P-10 and P-11) their services had been terminated.

In view of the peculiar facts of the case in hand I am not inclined to quash the impugned termination orders of the applicants-petitioners on the ground that they have been passed in violation of principles of natural justice and the reasons for the same are that the Board from which the applicants-petitioners claim to have passed the Matriculation Examination is not recognized by the State of Haryana, Government of India or any statutory authority and is thus, a bogus Board. I gave several opportunities to learned counsel for the applicants-petitioners to show any material to support the case of the applicants-petitioners but to no avail. The shops like the Board from where the applicants-petitioners claim to have passed their Matriculation examination needs to be shut down without show of any leniency.

As in spite of repeated opportunities, no material or any document has been brought to the notice of the Court showing the Board from where the applicants-petitioners claim to have passed their Matriculation examination to be recognized, the order dated 23.05.2016 dismissing the main writ petition in terms of the order of this Court passed in **CWP No.15204 of 2015** titled as '**Desh Raj versus State of Haryana and others**', does not need to be reviewed.

Dismissed.

(DEEPAK SIBAL)
JUDGE

May 30, 2016
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