

COCP-232-2017

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.232 of 2017 (O&M)
Date of decision: April 17, 2017

Mahinder Kaur ...Petitioner

Versus

Harmeet Kaur ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.K. Verma, Advocate for the petitioner.
Mr. Rohit Arya, AAG, Haryana.

Rajan Gupta, J. (oral)

Reply by way of affidavit of Harmeet Kaur, Child Development
Project Officer, Bara Gudha, District Sirsa has already been filed.

Petitioner has preferred this contempt petition alleging that
respondent has wilfully disobeyed the order dated 17.11.2016, passed by
this court in CWP No.3387 of 2016. Thus, contempt proceedings need to be
initiated.

I have heard learned counsel for the parties and given careful
thought to the facts of the case.

It appears, petitioner filed a writ petition impugning orders
dated 13.4.2015 as well as order dated 30.09.2015, whereby her services
were terminated. The writ petition was allowed by this court on 17.11.2016,
whereby case was remanded to the Child Development and Project Officer,
Baragudha, District Sirsa to pass a fresh order after conducting inquiry. In
its reply, it is stand of the respondent that after passing orders by the writ
court, a thorough enquiry against the petitioner was conducted. Order dated

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23.02.2017 has been passed, operative para whereof reads as under:-

“Therefore, from the investigation conducted by the Education Department and Child Development Department, in the clarification dated 04.09.2015 the statement of Mohinder Kaur stating that she is Seventh Pass, was taken into as base whereas at the time of interview Mohinder Kaur helper, by making cutting/overwriting on the Education Certificate of Eight Class, describing herself as Eighth Class obtained additional 5 marks given to Eighth pass whereas in fact she is Seventh Class pass. In the interview there were also other candidates who were 10th and 8th pass. Therefore, Mohinder Kaur by way of producing a fake certificate has committed cheating with the department. As per rules fifth/seventh pass, who is not Eighth pass, candidate is given 20 marks and Eighth pass is given 20+5=25 Marks.

On the basis of investigations, she has been found only 7th pass. She is not Eighth pass. Therefore, as per rules Mohinder Kaur do not deserve to remain in service. Therefore, it is appropriate to upheld the order passed vide this office letter No.1153-54 dated 3.1.17.”

In view of the fact that speaking order has been passed, no cause of action survives in this petition. Same is hereby dismissed.

(RAJAN GUPTA)
JUDGE

April 17, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No