

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

**CM No.888 of 2017 in/and
CWP No.21779 of 2014 (O&M)
Date of Decision : 20.03.2017**

Mahesh Kumar

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.R.Hooda, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Gurbir Singh, Advocate for
Mr. Arvind Moudgil, Advocate
for respondent No.4.

Mr. Mohit, Advocate for
Mr. R.S.Sheoran, Advocate
for respondent No.5.

AJAY TEWARI, J. (Oral)

CM No.888 of 2017

For the reasons recorded, application is allowed. Written statement on behalf of respondent No.4 alongwith Annexures R-4/1 to R-4/3 is taken on record.

CWP No.21779 of 2014

On 03.05.2016 the following order was passed :-

“Learned counsel for respondent No.4 as also respondent No.5 pray for and are granted last opportunity to file their respective written statements.

May do so at least three days before the adjourned date with an advance copy to the counsel opposite.

Adjourned to 29.09.2016 for arguments.”

Reply has been filed on behalf of respondent No.4. However learned counsel for respondent No.5 states that despite having asked the respondent No.5 to come and file the reply he has not come to give necessary instructions. In the circumstances, he prays for permission to withdraw from the petition. Allowed as prayed for. Respondent No.5 is treated as *ex-parte*.

By this petition, the petitioner has challenged the appointment of respondent No.5-Leela Ram on the ground that his academic qualification of one year diploma from respondent No.4-Sports Authority of India is a fake degree. In the reply filed by respondent No.4 this fact has been admitted and it has been mentioned that respondent No.5 had taken the admission in the diploma on the basis of a Graduation degree which was found to be fake.

In the circumstances, the respondent No.4 wrote to respondent No.5 that he was not entitled to get the diploma and asked him to return the same and also informed the Sports Authority of India, Ministry of Skill Development, Entrepreneurship, Youth Affairs and Sports that the diploma granted to respondent No.5 has been declared as cancelled and withdrawn. Since the respondent No.5 has not chosen to file any reply and, has in fact been proceeded *ex-parte* the appointment issued to him has to be set aside.

Learned Senior Deputy Advocate General also accepts this fact that in this view the appointment given to the respondent No.5 can not be defended.

In the circumstances, the petition is allowed and the appointment of respondent No.5 is quashed and the respondents are directed to proceed in accordance with law.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

20.03.2017
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No