

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.20732 of 2017(O&M)
Date of Decision: 13.09.2017

Harkomal Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.D. Sharma, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Petitioner, who is serving as Punjabi Master under the Punjab State Education Department, has filed the instant petition assailing the communication dated 27.7.2017 (Annexure P-6), whereby an official of the rank of a Principal under the Education Department has been deputed to personally visit University of Magadh, Bodh Gaya (Bihar) so as to verify the authenticity of a degree purportedly having been issued to the petitioner as regards the qualifications of B.A and B.Ed.

Brief facts that emanate from the pleadings on record are that the petitioner was selected and appointed on the post of Punjabi Master on 30.1.1997. At the stage of selection and appointment petitioner had relied upon his qualifications of B.A and B.Ed. acquired from Magadh University, Bodh Gaya (Bihar). Services of the petitioner were terminated vide order dated 20.2.2006, passed by the Director, Education Department, Punjab on the ground that his B.A B.Ed. degrees are fake.

Petitioner preferred an appeal before the State Govt. and which was accepted vide memo dated 11.8.2011 (Annexure P-1). Termination order was set aside and the petitioner was reinstated.

Counsel would argue that at the stage of reinstatement and acceptance of appeal a process of verification had already been undertaken and by virtue of the impugned communication dated 27.7.2017 (Annexure P-6) verification of the qualifications acquired by the petitioner from Magadh University, Bodh Gaya, is again being reopened and which is not permissible. Further contended that such exercise would prejudice the petitioner and put him to unnecessary harassment.

In the considered view of this Court no interference in the matter is warranted.

Perusal of the order dated 11.8.2011 (Annexure P-1), passed by the State Govt. and in terms of which his appeal against the order of termination was accepted, would reveal that it had weighed with the appellate authority that the termination order had been passed without adopting any procedure and in violation of the principles of natural justice. It is the pleaded case of the petitioner himself that subsequently a charge sheet dated 14.12.2016 (Annexure P-2) was served upon him and in which the precise article of charge formulated was that he has obtained appointment on the post of Punjabi Master on the basis of a fake degree of B.A as well as B.Ed. taken from Magadh University, Body Gaya (Bihar). Petitioner is stated to have submitted a reply to the charge sheet.

The Inquiry Officer has not been appointed. In other words the competent authority is yet to take a decision whether to accept the reply and stand taken by the petitioner in response to the charge sheet.

No challenge has been raised to the charge sheet dated 12.12.2016.

Ostensibly, it is towards examining the stand taken by the petitioner in response to the charge sheet that an official of the rank of a Principal working under the Education Department has been deputed to personally visit Magadh University, Bodh Gaya so as to verify the authenticity and credibility of the qualifications possessed by the petitioner.

The contention raised by the counsel as regards the petitioner being put to prejudice on account of such exercise, is without merit.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

13.09.2017

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No