

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

**CWP No.3200 of 2017
Date of decision:20.02.2017**

Karambir ... Petitioner
Vs.

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Aman Pal, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The contention of Mr. Aman Pal, learned counsel for the petitioner is that respondent No.5/complainant has already filed election petition bearing No.1 of 2015 challenging the election of the petitioner on the various grounds including the factum of having not passed the matriculation from the recognized Institute. However, on the basis of the complaint under Section 50 of the Haryana Panchayati Raj Act, 1994 (hereinafter referred to as “1994 Act”) the Deputy Commissioner has suspended the petitioner by giving a prima facie view of the certificate having not been issued by the recognized institute. The remedy of appeal was also availed which resulted into dismissal of the same. He further submits that two parallel proceedings cannot be initiated, in essence, the enquiry with regard to fakeness of the certificate is already sub-judice in the election petition, thus, further action in the enquiry should be kept in abeyance.

Notice of motion.

On asking of the Court, Mr. Vikas Chaudhary, Advocate accepts notice on behalf of complainants before the Deputy Commissioner and submits that there is no bar of continuation of two parallel proceedings. The certificate obtained by the petitioner from the Lucknow University is not recognized one, therefore, there is violation of the provisions of Section 175(V) of 1994 Act as amended.

I have heard learned counsel for the parties, appraised the paper book and of the view that in case, the petitioner moves an appropriate application before the Deputy Commissioner/Assistant Deputy Commissioner, regarding intended enquiry in pursuance to the suspension order owing to the factum of election petition being initiated under Section 176 of 1994 Act within a period of two weeks from today, the same shall be decided keeping in view the observations made herein-above, in essence, two parallel proceedings for the time being cannot proceed further until and unless election petition is not culminated into final finding.

With the aforementioned direction, writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

February 20, 2017
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No