

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

Civil Writ Petition No.729 of 2017
Date of Decision: January 17, 2017

Mrs.Sonika

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Vivek K.Thakur, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The prayer in the present writ petition filed under Article 226 of the Constitution of India is for issuance of a writ of Quo Warranto for restraining respondent No.3 from holding the office of Chairman, Panchayat Samiti or to remain in the office being not legally qualified.

Learned counsel for the petitioner submits that the petitioner was elected as a Member of Panchayat Samiti. He contested the election of Chairman against respondent No.3 and scored equal number of votes. However, respondent No.3 was elected as Chairman on the basis of draw. According to the provisions of the Haryana Panchayat Raj (Amendment) Act, 2015, in case of woman candidate, the minimum qualification shall be middle pass. Respondent No.3, in order to contest the election, obtained a forged matriculation certificate from some Board of Maharashtra as she was not having the minimum required qualification of middle pass from a recognised Board/Institute and in this regard a criminal case has been

registered against her.

He further submits that when no action was taken against respondent No.3, then one Ms.Jasmine filed CRM-M No.25209 of 2016 in this Court, wherein reply was filed stating that the matriculation certificate of respondent No.3 was not issued by the said Board or the Board mentioned in the equivalency list. When no action was taken by respondent No.1, the petitioner served a legal notice dated 1.12.2016 (Annexure P-4), which is still pending adjudication.

Learned counsel appearing for the petitioner confines his prayer in the present writ petition for appropriate directions to respondent Nos.1 and 2 to decide the legal notice dated 1.12.2016 (Annexure P-4) within some specified time.

Accordingly, the present writ petition is disposed of with a direction to respondent Nos.1 and 2 to consider the legal notice dated 1.12.2016 (Annexure P-4) and take appropriate decision thereon in accordance with law, preferably within a period of four months from the date of receipt of certified copy of this order.

In case the respondents do not grant any relief, then a well reasoned and speaking order be passed and conveyed to the petitioners.

January 17, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No