

CWP-14237-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14237-2018

Date of Decision: 30th July, 2018

Poonam Devi

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gorav Kathuria, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for issuance of a writ in the nature of mandamus directing the Deputy Commissioner-cum-District Election Officer (Panchayat), Karnal-respondent No.2 to remove Seema Devi-respondent No.12 from the post of Sarpanch, Gram Panchayat Village Gullarpur, Tehsil Nissing, District Karnal, being disqualified under sub-clause (5) of Section 175 of Haryana Panchayati Raj Act, 1994.

It is the contention of the learned counsel for the petitioner that respondent No.12 has procured her 8th class Transfer certificate (Annexure P-5) from N.A. Junior High School, Sadak Dudhali, Saharanpur. On the complaint of the petitioner and others, enquiry was held by the Block Education Officer, Development Area, Panwaraka and City Area Saharanpur, in which, there were certain observations with reference to there being no authenticity with regard to the said transfer certificate.

Reliance has been placed upon the report of a Committee constituted by the

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District Elementary Education Officer, Saharanpur, Uttar Pradesh (Annexure P-13 colly) to contend that the transfer certificate of respondent No.12 is a forged and fabricated document and not a genuine one and she being not eligible for contesting the election for the post of a Sarpanch, cannot hold the said post and thus, a direction may be issued to the Deputy Commissioner-cum-District Election Officer (Panchayat), Karnal-respondent No.2 to remove her from the post of Sarpanch.

I have considered the submissions made by the learned counsel for the petitioner and have gone through the report dated 05.12.2016 (Anenxure P-12) of the Block Education Officer, Development Area, Panwaraka and City Area Saharanpur as also the report of the Committee, dated 16.12.2016 (Annexure P-13 colly) consisting of Block Education Officer, Balliakheri, Block Education Officer, Rampur Maniharan and District Coordinator, SSA, Saharanpur, but do not find that there is a conclusion in any of these reports with regard to the document submitted by respondent No.12 to be forged and fabricated. What has been concluded in both these reports is that the matter requires to be investigated seriously so that the truth may come forward and that too verify the truthfulness of signatures and records, it has to be proved by the hand-writing expert/forensic authentication.

In the light of these reports, it cannot be concluded that the transfer certificate which has been submitted by respondent No.12 is a forged and fabricated document which would call for issuing directions to the Deputy Commissioner-cum-District Election Officer (Panchayat),

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Karnal-respondent No.2 to remove respondent No.12 from the post of Sarpanch, Gram Panchayat Village Gullarpur, Tehsil Nissing, District Karnal. The prayer, therefore, as made in the present writ petition, on the basis of the documents on record, cannot be granted to the petitioner.

The writ petition, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

30th July, 2018
Harish

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