

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.995 of 2018
Date of Decision: 18.01.2018

Shamsher Singh

. . . . Petitioner

Vs.

Lokayukta Haryana and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Lalit Pardhan, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the order dated 7.7.2017 passed by the Lokayukta, Haryana by which his complaint No.242 of 2014 has been dismissed.

The crux of the allegations of the petitioner is that respondent No.6 was selected as J.B.T. Teacher without having requisite qualification of B.Ed. and his false certificate was certified/verified by his father (Respondent No.7), who was the then Principal and had misused his office by false certification on the basis of which respondent No.6 was selected. The Lokayukta, Haryana, after going through the report of the Registrar who had held preliminary enquiry and taking into consideration the evidence brought before him, made the following observations: -

“From the record it is clear that the provisional certificate of passing B.Ed. examination has been issued by the Maharshi Dayanand University, Rohtak to the

respondent Sunil Kumar Mehra on 23.12.1994 and the detailed marks sheet has been issued on 27.12.1994 in which he has passed B.Ed. examination in Third Division. According to the respondent's father Shri Zile Singh Mehra, the respondent Sunil Kumar Mehra applied for re-evaluation and deposited the original marks-sheet with the Superintendent, Security Branch, Maharshi Dayanand University, Rohtak on 28.6.1995. He appeared for appointment for the post of J.B.T. for which interview has been conducted on 04.07.1995 and thereupon he has been issued appointment letter on 8.12.1995 and pursuant to that appointment letter he joined his services on 7.3.1996. However, during re-evaluation he has failed in one paper and for that marks-sheet has been prepared on 20.02.1996, which has been issued on 26.12.1996 i.e. after joining of his services. However, subsequently, he had also passed the B.Ed. examination and now he has also passed M.Ed. Examination. Consideration the fact that on the date when he submitted the marks-sheet before the

competent authority he was passed in B.Ed. examination and was not failed. Therefore, it cannot be said that he has obtained the appointment by submitting forged documents.

Besides above, the cause of action arose in the year 1996 much prior to passing of the Haryana Lokayukta Act, 2002 the respondent was not a public servant on that date, so as to give jurisdiction to this authority of Lokayukta. Considering the above aspect of the matter, the complaint being devoid of any merit, no further action is now required to be taken in this matter at the end of this institution. Hence, this file is closed and accordingly, the instant complaint stands disposed of in the aforesaid terms.”

Although counsel for the petitioner has vehemently argued that the findings recorded by the Lokayukta, Haryana are erroneous but after going through the available record and perusal of the impugned order, I am of the considered opinion that there is no error in the approach of the Lokayukta, Haryana in dismissing the complaint made by the petitioner, who has raked up the issue of the year 1994 in the year 2014 and that too when respondent No.6 has also passed M.Ed.

Thus, in view of the aforesaid facts and circumstances there is hardly any merit in this petition for the purpose of interference.

Dismissed.

18.01.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>