

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-314-2018 (O&M)

Date of decision:- 01.08.2018

Miss Parveen

...Appellant

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Gaurav Sharma, Advocate,
for the appellant.

* * * *

KRISHNA MURARI, C.J. (ORAL)

CMs-779 & 780-LPA-2018

For the reasons mentioned in the applications, the delay of 82 days in re-filing and 168 days in filing the appeal is condoned.

The applications stand disposed of.

LPA-314-2018

On 02.05.2018, the predecessor Bench after hearing the matter passed the following order:-

"Certificate issued by the University stating that the degree issued in favour of the appellant is fake, which has been referred to in the order passed by the learned Single Judge, has not been placed on record.

Learned counsel for the appellant seeks time to do the needful.

Adjourned to 01.08.2018."

2. Today, when the matter was called out, on a specific query initially learned counsel for the appellant took us to

Annexure P-6, but when confronted that this was not the certificate issued by the University, he placed before us Annexure P-3 which is the provisional certificate and not the certificate which was required vide order dated 02.05.2018 and finally learned counsel for the appellant states that the said certificate is available with the respondents.

3. The fact of the matter is that appointment was obtained on the basis of B.Ed. degree which on inquiry was certified to be fake by the concerned University and on the basis thereof the services of the appellant were terminated. Criminal proceedings were also initiated against her, though in the said proceedings, she was exonerated by giving benefit of doubt. This Court vide order dated 06.12.2012 in a writ petition filed by the petitioner being CWP-19450-2006 directed the respondents to reconsider the matter in the light of the judgement passed in criminal proceedings. In view of the said order, the matter was reconsidered by the respondent-authorities and finding that the University had submitted a report that the degree on the basis of which the appellant obtained appointment was not issued and was fake, the reinstatement was denied. The learned Single Judge vide order and judgement dated 29.03.2017, which is impugned in this appeal, dismissed the writ petition on the ground that once the appointment is based upon a certificate found to be fake, no benefit can be given to the petitioner. We are also of the considered opinion that the appointment being obtained on the basis of a degree which is subsequently found to be fake the appellant is not at all entitled to be granted any indulgence or benefit. The technical plea of any disciplinary inquiry having not been conducted does not enure to the benefit of the appellant inasmuch as when the very basis of the appointment is

found to be fake and false, it is the initial appointment which itself goes. The provision of disciplinary inquiry is nothing, but to afford an opportunity to an incumbent to defend himself and the same is to be in consonance with the principles of natural justice. In the case in hand, the principles of natural justice stood duly complied with when this Court vide order dated 06.12.2012 directed the respondents to reconsider the case after giving an opportunity to the appellant. Admittedly, the appellant participated in the said proceedings and failed to establish that the certificate on the basis of which she obtained appointment was genuine and not fake document.

4. In view of the aforesaid facts and discussion, we do not find any illegality in the impugned judgement passed by the learned Single Judge which requires interference. The appeal is without merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

01.08.2018
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No