

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

LPA No. 543 of 2018 (O&M) in
CWP No. 21157 of 2015

Date of decision: 21.5.2018

Sushila Devi

.. Appellant

vs

The State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Deepak Sibal**

Present: Mr. Karan Nehra, Advocate, for the appellant.

Rajesh Bindal, J.

Order dated 8.1.2018 passed by the learned Single Judge dismissing the appellant's writ petition has been impugned by filing the present intra-court appeal.

The writ petition was filed by the appellant to impugn therein order dated 21.6.2004 vide which permission to appoint the appellant as Lady Constable on compassionate basis vide order dated 14.7.2003 was withdrawn. She had been offered compassionate appointment as her husband, who was in police service died on 27.7.2002. The reason for removal of the appellant from service was that the 10+2 certificate produced by her at the time of her appointment on verification was found to be fake.

Learned counsel for the appellant submitted that a criminal case was registered against the appellant vide FIR No. 211 dated 17.5.2006, under Sections 420, 467, 468, 471 and 511 IPC, at Police Station, Civil Lines, Karnal, in which vide judgment dated 16.2.2013, the appellant was honourably acquitted as the prosecution could not prove its case. Thus, the appellant was entitled to be reinstated back in service.

We are not impressed with the arguments raised. Firstly, in judgment through which the appellant was acquitted, the learned Judicial Magistrate 1st Class, Karnal, has duly recorded that on verification the certificate produced by the appellant was found to be bogus and thereafter she applied for re-verification. This mere fact clearly suggests that the certificate of 10+2 which was produced by her at the time of her appointment was bogus.

Further, the amendment to Rule 12.15 (3) of the Punjab Police Rule, 1934 (for short, 'the Rules'), was made vide notification dated 18.6.2002, through which the minimum educational qualification for a candidate to be eligible for selection as a Constable was provided as 10+2. Application for appointment on compassionate basis was filed by the appellant on 20.8.2002 i.e. after the aforesaid amendment. In the absence of a certificate of 10+2, she was not eligible as per the Rules for being appointed.

The argument that some other persons, who were merely 10th passed, even after the amendment in the Rules, have been appointed, will not help the appellant for the reason that they had not produced any fake document for seeking their appointment. Even otherwise, discrimination cannot be alleged qua a wrong.

There is no error in the order passed by the learned Single
Judge. The appeal is accordingly dismissed.

(Rajesh Bindal)
Judge

21.5.2018
vs

(Deepak Sibal)
Judge

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No