

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

**CWP-2005 of 2020 (O&M)
Date of Decision: 07.12.2020.**

Sunita Devi

...Petitioner

V/S

State of Haryana & Ors.

....Respondents

CORAM: HON'BLE MR JUSTICE ARUN MONGA

Present : Mr. Krishan Singh, Advocate
for the petitioner.

Ms. Kirti Singh AAG Haryana.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. Under challenge herein, *inter alia*, is an order dated 06.07.2018 passed by Deputy Commissioner, Ambala (Respondent No.2), by virtue of which petitioner has been removed from the post of Sarpanch of a village. She has also impugned the order dated 10.12.2019 (Annexure P-6) vide which her appeal against the order dated 06.07.2018, *ibid*, has been dismissed by Financial Commissioner-cum-Principal Secretary, Panchayat Department(Respondent No.1). She also seeks setting aside the election of respondent No.5 as Sarpanch of the village, in her place.

2. Genesis of impugned order dated 06.07.2018 is a purported fake certificate of 8th Class submitted by petitioner as an eligibility pre requisite to the post of Sarpanch. Consequently, an FIR No. 100 dated 08.06.2016 has also been registered under Sections 420, 467, 468 and 471 IPC read with Section 120-B IPC at Police Station Mulana against the petitioner. At this stage, this Court cannot go into the genuineness of the certificate, same being subject

matter to be adjudicated by the appropriate Trial Court pursuant to the FIR proceedings. The writ petition seems to have been filed prematurely.

3. Be that as it may, without going into the veracity of the alleged certificate of 8th Class submitted by the petitioner, the instant writ petition is disposed of with a liberty to the petitioner to take up her case as and when the dispute qua her certificate in question attains finality. On the insistence of learned counsel for the petitioner, it is being made clear that present order shall not come in the way of the petitioner to avail her remedy qua the FIR in question, including seeking quashing thereof, in accordance with law.

4. Disposed of in above terms.

December 07, 2020

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(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No