

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

CWP-11971-2018

Date of decision: 11.2.2020

Ajit Singh**.....Petitioner.****vs.****State of Haryana and others****.....Respondents.****CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR**

Present: - Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. A.S. Shera, Advocate for respondent No. 3.

Mr. Harsh Aggarwal, Advocate for respondents No. 4 and 5.

Mr. Rajesh K. Sheoran, Advocate for respondent No. 7.

Mr. Lalit Kumar Yadav, Advocate for respondent No. 8.

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Sanjay Kumar, J. (ORAL)

Affidavit filed on behalf of respondent No. 3 and the written statement alongwith the Annexures filed on behalf of respondent No. 8 are taken on record.

The petitioner is a resident of Village Dhani Harsukh, P.O. Rewari Khera, District Bhiwani (Haryana). His grievance is that despite his making complaints, vide legal notice dated 25.1.2018 (Annexure P-6) and a reminder dated 19.4.2018 (Annexure P-9), the authorities concerned are not taking any action thereon in relation to the eighth respondent, who was elected as the Sarpanch of the Gram Panchayat of the said Village despite her disqualification to hold the said post in terms of Section 175 of the Haryana Panchayati Raj Act, 1994 (for short, 'the Act of 1994').

It is the case of the petitioner that the eighth respondent secured a false matriculation certificate and on the strength of the same, she aspired for the post of Sarpanch. He would further dispute her claimed date of birth.

It appears that the eighth respondent, relied upon the educational qualification obtained by her from the National Institute of Open Schooling to support her candidature for the post, in terms of the prescribed eligibility conditions. However, the short reply filed by the National Institute of Open Schooling reflects that the eighth respondent sought admission in the National Institute on the strength of the secondary (matriculation examination) marks sheet of April, 2010, issued by the Board of School Education, Haryana, but upon due verification of the same, the said document was found to be a false and fabricated one. The National Institute therefore stated that admission had been sought by the eighth respondent on the strength of a fake certificate and in consequence, the entire course of study undergone by her in April, 2013, on the strength of which the mark sheet (Annexure P-3) had been issued to her, would be rendered null and void. It further stated that the process for cancellation of the said result had been initiated and the Director of the National Institute of Open Schooling was requested to cancel the eighth respondent's examination result.

In terms of Section 51 of the Act of 1994, the Deputy Commissioner, District Bhiwani, the second respondent, would be the competent authority to take action against the eighth respondent, if warranted, on facts. It is not in dispute that the petitioner's legal notice dated 25.1.2018 (Annexure P-6) and reminder 19.4.2018 (Annexure P-9)

have already been received by the said designated authority. Having received the same, it is not open to the second respondent to remain somnolent. All the more so, in the light of reply filed by respondents No. 4 and 5.

In that view of the matter, as the second respondent is yet to apply his mind to the issue and take an appropriate decision, no cause is made out for this Court to adjudicate the issues raised in this writ petition on merits. The writ petition is accordingly disposed of directing the Deputy Commissioner, District Bhiwani, the second respondent, to consider the petitioner's complaints and the short reply filed by the National Institute of Open Schooling in this writ petition and take appropriate action, as warranted, in accordance with law and due procedure.

The exercise in this regard shall be completed expeditiously and in any event, not later than six weeks from the date of receipt of a certified copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

11.2.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no