

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CWP No. 5720 of 2022 (O&M)
Date of Decision : 27.09.2022

Devi Chand and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Chopra, Senior Advocate with
Mr. Sant Lal Barwala, Advocate and
Mr. Mohit Giri, Advocate for the petitioners.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-14807-CWP-2022

Application is allowed, as prayed for.

CWP-5720-2022

In pursuance to the order dated 22.03.2022, the affidavit of respondent No. 2 has been filed in Court today. The same is taken on record.

In the present petition, the grievance raised by the petitioners is that physical verification in the cases of petitioners so as to verify, if any unfair means has been used, should be done by the department, as done by the department in the cases of 756 similarly situated candidates.

Learned senior counsel appearing on behalf of the petitioners

argues that the physical verification of the documents in the cases of the other students against whom there were similar allegations of using unfair means to get selected, has already been done, which exercise is not being done in the case of the petitioners and the delay in undertaking the said exercise is causing prejudice to them as the petitioners are not being granted the benefit of promotions despite in service and the petitioners are facing criminal as well as departmental proceedings on account of the said allegations.

Keeping in view the order passed by the Co-ordinate Bench of this Court on 23.03.2022, an affidavit has been filed by the Director, Elementary Education, Haryana wherein, a stand has been taken that there is a dispute as of now, as to who will undertake the said exercise of physical verification. As per the department, the physical verification is to be undertaken by the Haryana Staff Selection Commission.

Learned counsel for the respondents submits that as the documents, which are to be physically verified are with the Commission hence, the Commission needs to verify the same.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The dispute is only with regard to the physical verification of the documents so as to find out the genuineness of the same. Whether, the said exercise is to be conducted by the Commission or by the department, the same needs to be undertaken at the earliest as the petitioners need to be informed as to whether, there is any discrepancy in the documents submitted by them, as they are already facing departmental enquiry as well as criminal

charge for the allegations of use of unfair means while securing an appointment.

Direction is issued to the respondent-Commission as well as the Department of Education to convene a joint meeting of the competent officials concerned within a period of four weeks from the receipt of copy of this order and in the said meeting, appropriate decision be taken as to who is to undertake this exercise, the physical verification of the documents i.e. the department concerned or the respondent-Commission.

Keeping in view the decision so taken, the physical verification of the documents of the petitioner be completed within a period of next three months of taking of the said decision by the authority concerned.

Learned senior counsel for the petitioners submits that though the grievance of the petitioners as raised in the present petition has been redressed but in case, the respondents do not comply with the said order, liberty be given to the petitioners to revive the present petition. Learned senior counsel for the petitioners prays that the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioners to revive the present petition, in case they feel aggrieved regarding non-compliance of the order.

Ordered accordingly.

September 27, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No