

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7050-2017 (O&M)
Date of decision: 17.08.2022

OM PATI

...Petitioner

versus

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Sharmila Sharma, Advocate,
For the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

CM-7551-CWP-2019

Allowed as prayed for and documents contained at Annexures
P-10 and P-11 are taken on record, subject to all just exceptions.

Main case

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the impugned order dated 06.02.2017 (Annexure P-7) vide which services of the petitioner as Anganwadi Helper have been terminated.

2. Case in hand appears to be more of personal vendetta of someone who wanted to settle scores with the petitioner, a widow, working as Anganwadi Helper at the relevant time. That certainly is not the purpose and intent of CM window set up for mitigation of the genuine grievance of the general public at large. One wonders, what could possibly be the reason of any citizen to make a complaint against an Anganwadi Helper who gets a pittance of 2,500/- per month, that too on the ground that her primary

certificate is fake, without there being any material on record. Certificate was submitted for seeking appointment of petitioner to carry out the everyday maintenance/cooking/cleaning and other chores required for maintenance of the premises where the small children are taught, being caretaker of those children during the time they come to the Anganwadi premises.

3. To be noted that the petitioner was issued her primary certificate from a school i.e. Vinoba Bhave Senior Secondary School at Ellenabad in district Sirsa way back on 05.04.1991. One does not know why would she forge her primary education certificate, and with what foresight, that too for applying in year 2013 for appointment for a sum of Rs.2,500/- per month as an Anganwadi Helper.

4. Be that as it may, even the sham inquiry conducted pursuant to the complaint filed in the CM Window appears to be to please the complainant more than to meet the ends of justice.

5. Record reveals that a letter was written to the Board of School Education, Bhiwani to seek an information whether the school where the petitioner had studied was recognized by the Bhiwani Board. Resultant, information revealed that school was in fact affiliated with Board of Higher Education, Delhi. That formed the very basis of rejecting the primary certificate of the petitioner on the ground that since her school for primary education was not recognized by the Bhiwani Board, but was instead recognized by Board of Higher Education Delhi, therefore, her services were being terminated.

6. My attention has been drawn to the relevant Rules as well as Instructions. Perusal of the same reveals that there is no requirement that

recognition has to be from the State of Haryana and/or a Board of Haryana alone and the School Education Boards outside the State are not to be recognized for the purpose of determining the eligibility for appointment of an Anganwadi Helper being a primary pass or not. In any case, the finding of forgery completely flies in the face of letter dated 04.01.2017 (Annexure P-5) says that Haryana Board of School Education took the decision to grant affiliation to private schools in 1995-96. Obviously, record of relevant years i.e. 1991, when the petitioner passed the primary education was not available. In the absence of record, it is rather preposterous, that summary findings were given vide order dated 06.02.2017 impugned herein declaring that the petitioner had committed forgery. Said action cannot be sustained. The impugned order dated 06.02.2017 (Annexure P-7) is set aside and respondents are directed to take the petitioner back in service. Let the needful be done within a period of 30 days from today. For the period, she remained out of service, she will not be entitled for the honorarium on the principle of no work no pay.

7. In the totality, I am of the view that the provision for mitigation of grievance through CM window has been completely misused and entire exercise has been an abuse of power and process, of course, at the instance of the complainant. Resultantly, respondents are directed to initiate criminal proceedings against the complainant for having filed a complaint in CM window without any proof that petitioner committed forgery. In fact, it transpires from the entire sequence of events that roving inquiry qua forgery was conducted only after the complaint. There is no information, whatsoever, of any kind, that there was forgery committed except for the bald allegation

made by the complainant, which clearly reflects that complaint was filed only to settle the personal scores.

- 8. Compliance report be filed before the Court within a period of 60 days.
- 9. Allowed in the aforesaid terms.

(ARUN MONGA)
JUDGE

August 17, 2022
Vandana

Whether speaking/reasoned:	Yes
Whether reportable:	No