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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-17850-CWP-2022 in/and
CWP-22467-2020

Date of Decision: 16.11.2022

Sikander and others

....Petitioners

VS

Board of School Education Haryana Bhiwani

....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Yogesh Goyal, Advocate for the petitioners

Mr. K.K. Gupta, Advocate for the respondent

SUDHIR MITTAL, J. (Oral)

CM No. 17850-CWP-2022

This application has been filed for placing on record rejoinder to the reply filed on behalf of the respondent alongwith Annexure P-4.

For the reasons stated therein, application is allowed and rejoinder aforementioned alongwith Annexure P-4 is taken on record.

CWP-22467-2020

The petitioners were desirous of joining the Central Armed Police Forces. It seems that age was coming in their way and they came in contact with one Parmanand son of Kehar Singh who assured them that he would get them forged Class X and Class XII certificates in which their date of birth would be changed and, accordingly, they would be able to get selected. Certificates with changed dates of birth were infact issued by the respondent but the fraud came to light resulting in registration of an FIR against said Parmanand and the petitioners in the year 2020. Thereafter, the respondent wrote a communication dated 14.08.2020 to the petitioners directing them to deposit the certificates issued later. These have since been submitted and the original certificates (with correct dates of birth) have not been given to the petitioners. Thus, the present writ petition has

Learned counsel for the respondent submits that the certificates were obtained by forging as many as 172 judgments and decrees. This was highlighted by the then District Judge of Panipat vide his communication dated 26.02.2020. The entire record has been taken away by the police and, thus, the originals can not be given to the petitioners. Moreover, the petitioners have committed a criminal act and this dis-entitles them to issuance of the original certificates.

In rebuttal, learned counsel for the petitioners submits that some of the petitioners have created '*digi locker*' in which the details of their Class X/Class XII examination have been uploaded by the Board and, thus, the submission that the record has been taken away by the police is false.

Faced with this situation, learned counsel for the respondent submits that the '*digi locker*' was updated because the relevant details were available with the Board. The original certificates have, however, been cancelled and are in police custody.

Undoubtedly, the petitioners have committed a criminal act in conspiracy with Parmanand son of Kehar Singh, yet, they can not be denied issuance of their original Class X/Class XII certificates. The submission that the record is not available has been falsified and learned counsel for the respondent has admitted as such. Thus, the writ petition is allowed. The respondent is directed to issue duplicates of the original Class X and Class XII certificates to the petitioners within eight weeks from the date of receipt of a certified copy of this order.

Nothing stated hereinabove shall be constructed as an opinion on the merits of the criminal case.

16.11.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No