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

**CWP No.561 of 2020 (O&M)
Date of Decision: 27.02.2023**

JAI VEER PARKASH

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, D.A.G., Haryana.

Mr. Viresh Dahiya, Advocate for
Mr. Deepak Balyan, Advocate
for the respondent No.4.

RAJ MOHAN SINGH, J.(Oral)

The petitioner has preferred this writ petition quashing the order dated 18.07.2019 passed by the respondent No.1 and order dated 30.10.2018 passed by the respondent No.2 dismissing the petitioner from service on the ground of committing fraud while submitting a matriculation certificate at the time of promotion to the Clerk.

A complaint was received against the petitioner in respect of fake matriculation certificate. The complaint was referred to Sub-Divisional Officer (Civil) for preliminary enquiry.

After receipt of preliminary enquiry report of Sub-Divisional Officer (Civil) Hisar on 30.07.2018 after confirmation of forged certificate from Haryana Board of School Education, the petitioner was chargesheeted under rule 4(b) of the Haryana Civil Services (Punishment & Appeal) Rules, 2016 on 06.08.2018.

According to the allegations, the petitioner avoided the service of summons/information and all efforts made to serve the petitioner remained unfructified. Even the information given to his Advocate did not yield any positive response. The Advocate of the petitioner did not give the mobile number, email address or postal address of the petitioner. Even the notice was also pasted on the house of the petitioner including a publication in the newspaper.

Regular enquiry was conducted and during the regular enquiry proceedings also notice was given to the petitioner through post as well as through publication but the petitioner did not join the enquiry proceedings. The Enquiry Officer found that the petitioner had not achieved the marks and had failed in the 10th examination. Despite numerous efforts made by the Enquiry Officer, the presence of the petitioner could not be secured. The Enquiry Officer has concluded that the petitioner has taken the benefit by presenting fake certificate. Opportunity was given to the petitioner for giving his comments on the findings of the

Enquiry Officer, but he again failed to turn up. In this context also publication of notice was done and also by pasting the information on some conspicuous place.

Even the petitioner sought voluntary retirement and also approached the High Court for deciding his application for voluntary retirement within a specified period. The prayer for voluntary retirement was rejected as per Rule 148(1) of the Haryana Civill Services (General) Rules, 2016.

The competent authority after noticing all the aforesaid incriminating material has found that the fraud committed by the petitioner has vitiated all acts of the petitioner. Fraud vitiates all solemn acts. The petitioner remained in employment for more than 31 years and also took benefit of his salary and other funds. The dishonest representation of the petitioner cannot be protected by the Court. The person, who has not come to the Court with clean hands deserves no indulgence at the hands of the Court. It is also a settled principle of law that the person, who has concealed material facts from the Court can be thrown out at any stage of litigation. Reference can be made to **Hamza Haji vs. State of Kerala and another, 2006(7) SCC 416; A.V. Papayya Sastry and Ors., vs. Government of A.P. and others, 2007(2) R.C.R. (Civil) 431; Balwant Rai Tayal vs. M/s Subhash Oil Company, Hisar through Sh. Raghunath Sahi,**

2003(2) R.C.R. (Rent) 148; and S.P. Changalvaraya Naidu (dead) by LRs vs. Jagannath (dead) by LRs., 1994 AIR (SC) 853.

In view of above, there is no justification to grant indulgence in favour of the petitioner. The writ petition stands dismissed.

February 27, 2023

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No