

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

130+274

CRM-M No.33443 of 2021 (O&M)
DATE OF DECISION: 28th SEPTEMBER, 2023

Vijay Lata

.... Petitioner

Versus

Rajiv Arora

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Petitioner-Vijay Lata in person.

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RAJBIR SEHRAWAT, J. (Oral)

CRM-14372-2023

This is an application for preponing the main case.

Since, the main case is listed today, therefore, the present application has been rendered infructuous and is disposed of as such.

Main Case

1. The present petition has been filed by the petitioner under Section 340 Cr.P.C. read with Section 195 (1) (b) Cr.P.C. for taking cognizance of offence under Section 191 of IPC for committing perjury by the respondent by filing a false affidavit.

2. The petitioner was appointed as Lecturer in the Department of Psychology at Kurukshetra University, Kurukshetra against one leave vacancy. The said engagement was continued when another vacancy had fallen vacant. So the petitioner continued to work. Thereafter, the

Executive Council of the University adopted a resolution dated 28.10.1992 for confirming the services of those temporary Lecturers whose performance was satisfactory and on the same posts against which they were appointed. Accordingly, the persons who were earlier appointed on temporary basis and whose service records were found satisfactory were confirmed in their respective posts, however, the service of the petitioner was dispensed with on the ground that her service was no longer required. The petitioner had challenged that decision of University by filing a writ petition i.e. CWP No.1986 of 1993. However, said writ petition was dismissed, vide order dated 19.03.1993 on the ground that the resolution dated 28.10.1992 was only a proposal for consideration and not a decision to confirm and further, that the confirmation was to be done on the basis of the service record. Further observation made by the Division Bench of this Court in the dismissal order dated 19.03.1993 was that at the time of consideration of the record of such persons, the service record of the petitioner was found to be of not good. Rather, the same was reflected to be 'Poor' and the petitioner had no right to the post, as such. As a result, the petitioner was not confirmed. The petitioner approached Hon'ble the Supreme Court by filing SLP No.9303 of 1993 against the order passed by Division Bench of this Court. However, as disclosed by the petitioner only, the said SLP was also dismissed by Hon'ble the Supreme Court, vide order dated 10.08.1993. Hence, the order dated 19.03.1993 dismissing the writ petition attained finality. After remaining silent for a long time, the petitioner filed the present petition in the year 2021 seeking initiation of proceedings for offence of perjury against the then Registrar of

Kurukshetra University, Kurukshetra for filing a wrong affidavit in the Court; wherein it was averred that the service record of the petitioner was 'poor'. The petitioner has now again asserted that her service record was good.

3. During the course of arguments, the petitioner was granted opportunity to show the document that her assessment during that relevant period was other than 'Poor', as was asserted in the said affidavit. However, the petitioner could not produce any such document. Therefore, the affidavit filed by the then Registrar cannot be taken to be false; as such.

4. Moreover, the matter pertains to the year 1993 when the order dispensing with her service was passed. The order has even been upheld upto Hon'ble the Supreme Court. No question of fact can be re-opened now. Even, the inordinate delay goes against the case of the petitioner. At this delayed juncture, this Court would, otherwise also, be handicapped in holding any such enquiry or filing any such complaint as the petitioner is seeking.

5. Otherwise also, the provisions as contained in Section 340 Cr.P.C. does not grant any inalienable right to the petitioner to get a complaint initiated by the High Court on account of a purportedly false affidavit having been filed by the then Registrar of the University. It is for the Court to assess the situation and to decide as to whether the gravity of the alleged perjury is such; where the Court should interject to go to the extent of initiating the complaint against the litigant. This Court does not find this case to be appropriate case to invoke Section 340 Cr.P.C.

6. Keeping in view the facts and circumstances of the case, this Court does not find any reason to initiate any complaint against the then Registrar of the University. Hence, the present petition is dismissed.

28th SEPTEMBER, 2023
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No