

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.12927 of 2018 (O&M)

Date of Decision.07.02.2023

Pyare Lal Chauhan

...Petitioner

Vs

Govt. of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Pyare Lal Chauhan, petitioner in person.

Mr. Narinder Singh Behgal, AAG, Haryana.

None for respondent No.3.

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JAISHREE THAKUR J. (ORAL)

1. The present writ petition has been filed by petitioner-Pyare Lal Chauhan seeking to challenge appointment of respondent No.3-Atam Parkash made by the respondent-State as Member of Juvenile Justice Board, Hisar. The petitioner is also seeking damages of Rs.50 lakhs from the State authorities for causing harassment, mental torture and financial loss to him.

2. Petitioner, who is appearing in person, submits that he is a practising advocate in District Courts, Hisar, Haryana and being duly qualified for the post of Member, Juvenile Justice Board, had applied for the same, however, he was not appointed. It is argued that he was duly qualified having worked as an Advocate/being member of the District Consumer Disputes Redressal Forum at Hisar and Fatehabad for five years and therefore, had necessary experience to be appointed to the post of Member, Juvenile Justice Board, Hisar. He would rely upon the certificate issued by the President, District Consumer Disputes Redressal Forum, Hisar stating that he had completed his five years tenure successfully. It is submitted that the entire selection process was vitiated and by resorting to underhand means, appointment of respondent No.3 was made. It is further argued

that he had applied under the Right to Information Act to seek information regarding educational qualification and experience of the selected candidate but the same was never supplied by stating that personal information could not be supplied. It is submitted that the petitioner herein had qualified the HCS (Judicial) examination in the year 1983 and appeared for interview in 1984 but was not selected due to corrupt political practices and if he had been selected, he would have been a judge of the High Court. It is also submitted that there is large scale corruption in the State of Haryana and 12 officers have been involved in embezzlement/scandal of several crores of rupees in MNREGA scheme, while further submitting that respondent No.2 i.e. Director-cum-Member Secretary Women & Child Development Haryana was also indicted by the Lokayukta.

3. Learned counsel appearing on behalf of the respondent-State would state that main prayer made is for quashing appointment of respondent No.3, whose term has already expired and therefore, the writ petition has been rendered infructuous.

4. I have heard the petitioner and the counsel appearing for the respondent-State and have also perused pleadings of the case. The entire grouse of the petitioner is that he has not been appointed as Member of the Juvenile Justice Board, despite having adequate qualifications. He has raised several allegations against the recruitment process and sought to rope in Director-cum-Member Secretary, Women and Child Development Haryana-respondent No.2 as well, by stating that she could not have been a member of the Selection Committee on account of being indicted by the Lokayukta. However, this Court cannot go into the issue because the petitioner, who is a practising lawyer at Hisar has chosen not to implead her by name, giving her an opportunity to raise her defence. It is also worthwhile to note that the petitioner, who claims to be more

qualified than respondent No.3 has not been able to establish in any manner whatsoever as to how and in what manner he is more qualified than respondent No.3. If that had been the case, this Court would have gone into the issue and seen whether or not, the appointment that had been made was genuine or was made for extraneous reasons. A reading of the pleadings would show that the petitioner is trying to vent his grievance of not having been appointed after having passed the written examination as an HCS (Judicial) candidate but did not qualify after interview and thereafter, had raised allegations that there is rampant corruption in the State of Haryana. To be able to allege corruption, the petitioner had an opportunity of invoking the relevant provisions under the Prevention of Corruption Act. Even in this writ petition, he had an opportunity of giving material facts and details as to why and how persons holding reputable positions are corrupt but he miserably failed to do so. In the opinion of this Court, the instant writ petition is nothing but tantamounting to defamation of persons, who are not before the Court. The petitioner herein is seeking damages on account of financial loss and mental torture, however, he has not been able to establish that the person, who was appointed as Member of the Juvenile Justice Board, Hisar was less qualified than him.

5. In view of the aforesaid facts and circumstances, the instant writ petition is dismissed with costs of Rs.25,000/- to be paid by the petitioner to the Advocates Welfare Fund, Punjab and Haryana High Court Bar Association within a period of four weeks from today.

(JAISHREE THAKUR)
JUDGE

February 07, 2023

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No