

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103+226)

CM-15166-CWP-2023 in/and
CWP-15943-2018
Date of Decision : September 11, 2023

Dayawanti

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Malik, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

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As prayed for, the application is allowed.

Replication to the written statement filed on behalf of
respondent No.5 is taken on record.

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Learned counsel for the petitioner submits that the action has
been taken against the petitioner for dispensing her services on the ground
that the petitioner does not have the minimum qualification required for
appointment to the post in question.

Learned counsel for the petitioner further submits that the respondents have formed an opinion that the petitioner does not have minimum required qualification on the ground that the certificate issued by the Government Senior Secondary School, Bolda, Jhunjhunu, Rajasthan is fake whereas, the stand of the petitioner from the day one is that the said certificate was never submitted by the petitioner to claim the benefit qua the qualification which the petitioner possess. Rather the petitioner had given a certificate issued by St. Giri Public School, Meerut to support the fact that the petitioner is fully qualified and also, the School in question, vide letter dated 26.04.2018 has written to the respondents, a copy of which has been appended with this petition as Annexure P-8, corroborating the claim of the petitioner, which fact has not been taken into account by the respondents so as to form an opinion that the petitioner is not qualified to hold the post in question.

Learned counsel for the respondents submits that keeping in view the interim order granted by this Court, the petitioner is already continuing in service and the claim of the petitioner that she had passed the qualification from St. Giri Public School, Meerut, will also be considered and appropriate order on the said claim will be passed within a period of eight weeks from the receipt of copy of this order. Learned counsel for the respondents further submits that in case it is found that the petitioner has valid qualification to support her claim for appointment to the post in question, she would be allowed to continue in service but if in case, she is not able to prove that she has the minimum qualification required for the post in question, appropriate order will be passed.

Learned counsel for the petitioner submits that once the respondents are considering the claim of the petitioner, she be allowed to

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continue in service till appropriate order is passed.

Learned State counsel submits that till appropriate order is passed in terms of the present order, the petitioner will be allowed to continue in service.

Keeping in view the above, no further orders are required to be passed in the present petition.

The present petition is disposed of in above terms.

September 11, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No