

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

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**CWP No.17421 of 2023
Date of Decision : 10.08.2023**

*Subhash Chand**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Manjeet Singh, Advocate, for the petitioner.

TRIBHUVAN DAHIYA J. (ORAL):

This writ petition has been filed seeking a writ of *certiorari* quashing the impugned undated enquiry report (Annexure P-9) on the ground that it has been prepared to overreach the order dated 21.02.2017 passed by this Court in CWP No. 18930 of 2014.

2. As per the facts apparent on record, the petitioner earlier filed a writ petition, CWP No.18930 of 2014, challenging selection of respondent No.4 therein on the post of Workshop Attendant. The petition was allowed vide judgment dated 21.02.2017, setting aside the selection and appointment of respondent No.4 and directing the Selecting Authority to consider the petitioner's claim for appointment to the post of Workshop Attendant on notional basis. This Court also held that awarding of marks to respondent No.4 was on account of 'tampering by over-writing' in the records. The said judgment, dated 21.02.2017, has been challenged before the Division Bench in LPA No.418 of 2017, wherein it has been stayed

vide order dated 20.03.2017. Further, the petitioner earlier approached

this Court by filing CRM-M-7742-2020 titled *Subhash Chand v. State of Haryana and others*, seeking a direction to the respondents to take an appropriate legal action against the accused by registering an FIR for the fraud committed by them as apparent from the judgment dated 21.02.2017, passed by this Court in CWP No.18930 of 2014. Notice of motion was issued in the case on 20.02.2020 which is pending adjudication.

3. Learned counsel for the petitioner contends that during pendency of aforesaid Criminal Miscellaneous petition, the respondents have acted upon complaint submitted by the petitioner in 2017 for lodging FIR regarding the forgery/tampering with the records, as held by the Court vide judgment dated 21.02.2017. On that complaint the respondents conducted an enquiry, which concluded that the Selection Committee should have prepared neat and clean merit list to avoid any confusion and complaints. It is submitted that these findings of the enquiry committee, impugned herein, are contrary to what has been held by this Court in the judgment dated 21.02.2017, wherein selection and the appointment of respondent No.4 was set-aside. Therefore, the enquiry report should be set-aside, as it has prejudiced the petitioner's rights.

4. Learned counsel for the petitioner has been heard and paper-book has been perused.

5. The order passed by this Court dated 21.02.2017, holding that there was tampering of record of the Selection Committee, has already been stayed by Division Bench of this Court in LPA No.418 of 2017. Still, the petitioner approached this Court for registration of the FIR on account of the said tampering of records by filing CRM-M No.7742 of

2020, which is pending adjudication. In case the respondents have acted upon an earlier complaint of the petitioner regarding forgery/tampering and constituted an Enquiry Committee which has given some findings, that cannot have any bearing on the decision taken by this Court vide judgment dated 21.02.2017, or the pending LPA against it, as claimed. Learned Counsel could not dispute that no action based upon the said enquiry report has been taken by the respondents. Therefore, the said enquiry or its findings do not give any fresh cause to the petitioner to approach this Court.

6. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

10.08.2023
Ashwani/Mahima

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No