

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

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2023:PHHC:097394

**RSA-5326-2015(O&M)
Date of decision: 31.07.2023**

JIT SINGH (DECEASED) THROUGH LRS

..Appellant

Versus

**POST GRADUATE INSTITUTE OF MEDICAL EDUCATION
AND RESEARCH AND ORS**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pankaj Bali, Advocate for the appellant.

Mr. Sachit Singla, Advocate for respondents.

ANIL KSHETARPAL, J(Oral)

1. The correctness of the concurrent findings of the fact has been challenged by the legal representatives of the plaintiff in this appeal. Late Sh. Jit Singh was appointed in the Post Graduate Institute of Medical Education and Research (PGIMER) on the basis of the matriculation examination. On the complaint, a memorandum of charges was issued to him and the departmental inquiry was initiated, in which it was reported that the matriculation certification produced by late Sh. Jit Singh was a fake and false document.

2. On the basis of the report, a second show cause notice was issued to which reply was filed. Ultimately, the Disciplinary Authority ordered dismissal of late Sh. Jit Singh from service with disqualification from future employment. A civil suit was filed challenging the correctness of the order dismissing him from service. Both the Courts have dismissed the suit.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. The learned counsel representing the appellant submits that the original matriculation certificate issued by the Indraprastha Shiksha Parishad was submitted to the respondent-Institute and, thereafter, he continued to work without any complaint. He submits that in order to prove that the predecessor in interest of the appellant passed the matriculation examination, the law officer of the Indraprastha Shiksha Parishad was examined as PW-1.

5. On the other hand, the learned counsel representing the respondents submits that in absence of any challenge to the substantive error in the procedure adopted, while holding the disciplinary proceedings, the Court should not interfere.

6. It is the stand of the respondent-Institute that late Sh. Jit Singh had produced an entirely different matriculation certificate while entering into the service and the certificate issued by Indraprastha Shiksha Parishad was produced for the first time during the inquiry proceedings. It is further been submitted that originally late Sh. Jit Singh produced the alleged certificate issued by the Central Board of School Education, which was on inquiry found to be fake.

7. This Court has considered the submissions of the learned counsel representing the parties.

8. The Disciplinary Authority on appreciation of evidence has taken a plausible view, which on preponderance of evidence has been upheld by both the Courts below.

9. In view of the aforesaid facts and discussion, no ground to interfere is made out.

- 10. Dismissed.
- 11. All the pending miscellaneous applications, if any, are also disposed of.

July 31st, 2023 (ANIL KSHETARPAL)
Ay JUDGE

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