

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

CWP-29387-2022

Date of Decision: 09.02.2023

PARDEEP SHARMA

..... Petitioner(s)

&

STATE OF HARYANA AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

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

Ms. Shruti Jain Goyal, DAG, Haryana.

LISA GILL, J.

Prayer in this writ petition is for directing the official respondents to take action on representation dated 22.11.2022 (Annexure P-4), filed by the petitioner seeking an inquiry into the genuineness of educational certificates submitted by respondent no.5, who has been elected as Sarpanch of village Bhurri, Post Office Rajpur, Tehsil Ganaur, District Sonipat.

It is contended that educational certificate in question, furnished by respondent no.5 has been issued by the Board of Secondary Education, Madhya Bharat Gwalior, which is not a recognized Board. Reference has been made to instructions dated 05.11.2019 (Annexure P-7) from the Chief Secretary, Government of Haryana.

Status report by way of affidavit dated 08.02.2023 of Mr. Rajpal Chahal, District Development & Panchayat Officer, Sonipat, filed in Court today with a copy thereof to learned counsel for the petitioner, is taken on record subject to just exceptions.

Learned counsel for the State while referring to the status report dated 08.02.2023, submits that petitioner has deliberately concealed the factum of having filed an election petition challenging the election of respondent no.5 prior to filing of this writ petition. However, learned counsel for the petitioner stated that prayer in this writ petition is not for setting aside election of respondent no.5 but for directing official respondents to take action on his representation dated 22.11.2022 alleging disqualification of respondent no.5 for holding the post in question in terms of Section 175 of the Haryana Panchayati Raj Act, 1994 (for short the Act).

Learned counsel for the State submits that keeping in view the nature of allegations indicating disqualification of the elected candidate in terms of Section 175 of the Act, Committee of Officers has already been constituted to look into genuineness of the certificate submitted, not only by respondent no.5 but in respect to a number of other certificates submitted by some of the elected Panches and Sarpanches in regard to their educational qualifications. Para 2 of the Status Report reads as under:-

“2. That in compliance of the State Election Commissioner, Haryana letter sr. no. SEC/4E-11/2022/5987 dated 18-11-2022, the Deputy Commissioner cum District Election Officer, (Panchayat) Sonipat (respondent no. 3) vide letter sr. no. 8162-71 dated 28-11-2022 has already constituted a committee of officers comprising of City Magistrate, Sonipat as over all incharge, District Education Officer/District Elementary Officer, Sonipat, the concerned Block Development & Panchayat Officer, Sonipat (as secretary) and the concerned Block Education Officer (as its member) which will inquire into the disputed educational certificate in respect of the newly elected panch/Sarpanch District, Sonipat. The above mentioned committee is enquiring into the genuineness of the

education certificates submitted alongwith the nomination form by the respectively panches/sarpanches against whom the complaints have been received. The list of such panches/sarpanches is given in letter Sr. no. 8370-75/Panchayat dated 13-12-2022 and the name of respondent no. 5 is also given in at sr. no.5. Since, the matter is already being inquired into by the District Administration as per rules, hence the necessary and proper action will be taken as per rules contained in Haryana Panchayati Raj Act, 1994 and rules thereof. The copy of letter dated 28-11-2022 and copy of letter dated 13-12-2022 are annexed as Annexure R-1 and Annexure R-2 respectively for kind perusal of this Hon'ble High court.”

Learned counsel for the State submits that necessary action in this regard shall be taken after submission of report by the competent authority in terms of Section 177 of the Act.

Keeping in view the above, we do not find any justification for continuance of the present proceedings except to say that the inquiry be conducted and necessary action as may be required be taken expeditiously, in accordance with law.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

09.02.2023
Sunil

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