

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 29953 of 2022(O&M)

Date of Decision:20.01.2023

Nasima

.....Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr.Satish Chaudhary, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, DAG., Haryana.

LISA GILL, J(Oral).

Grievance of the petitioner in this writ petition is that respondent no.5, has been elected for the post of Block Samiti, Ward No.24, Ferozpur Jhirka, Mewat, by misrepresentation and fraud. Forged and fabricated educational certificate of 10th class is stated to have been submitted by her along with her nomination papers, which has been wrongly accepted without affording opportunity to the petitioner to file objections.

Prayer in the writ petition is for cancellation of the result declaring respondent no.5 as elected. However, at this stage, learned counsel for the petitioner submits that respondent no.5 is under a disqualification as per Section 175 of the Haryana Panchayati Raj Act, having submitted a fake

educational certificate and is thus liable to be proceeded against in terms of Section 177 of the Act. Learned counsel restricts the prayer to the said extent.

Notice of motion to respondents no.1 to 4, only, to the limited extent as above. Notice is not being issued to respondent no.5 in view of the nature of the order being passed and to obviate any further delay.

Ms. Shruti Jain, Goyal, DAG., Haryana, at the asking of Court accepts notice on behalf of respondents no.1 to 4 and submits that necessary inquiry shall be conducted into the allegations raised by the petitioner qua fake certificate being submitted by respondent no.5 and necessary action, if any/ as may be required, would be taken in accordance with law.

Keeping in view the facts and circumstances as above, but without expression of any opinion on the merits of the case, this writ petition is disposed of with a direction to the competent authority, to treat this writ petition as a representation on behalf of the petitioner, only in respect to the allegations as above and decide the same, in a time bound manner in accordance with law after affording due opportunity to all concerned/affected parties including the petitioner, expeditiously and preferably within six weeks from receipt of certified copy of this order.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

January 20, 2023.
s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.