

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

CWP-12-2023

Date of Decision : January 04, 2023

Ravi Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. Vishal Sharma Haritwal, Advocate for the petitioner.

Mr. Aman Bahri, Addl. AG, Haryana.

Mr. Shivam Malik, Advocate for respondent No. 6.

LISA GILL, J.

Grievance raised in this writ petition is that respondent No. 6, who has been elected as Member to the Panchayat Samiti, Block Nahar, Tehsil Kosli, District Rewari has deliberately and intentionally submitted a forged School Leaving Certificate dated 15.04.2022 and has given incorrect particulars in her nomination papers dated 28.10.2022.

Learned counsel for the petitioner submits that respondent No.6 does not have the minimum educational qualification as required in terms of Section 175 of the Haryana Panchayati Raj Act (for short – ‘the Act’). Complaint in this respect, it is further submitted, has been filed before the competent authority, however, no action as envisaged under Section 177 of

the Act has been taken till date. It is further prayed that in this situation election to the post of Chairman and Vice Chairman of the Panchayat Samiti in question should be stayed.

Learned counsel for the State to whom advance copy of the writ petition has been supplied, at this stage, informs that on receipt of complaint by the petitioner, notice has been issued to respondent No. 6 and as mandated by the provision of law, he has been called for personal hearing on 04.01.2023 i.e. today. Necessary action, it is stated, shall be taken by the competent authority expeditiously in terms of Section 177 of the Act.

Section 177 of the Act reads as under:-

177. Disqualification for continuing as members:-

(1) If any member of a Gram Panchayat, Panchayat Samiti or Zila Parishad—

(a) who is elected, as such, was subject to any of the disqualifications mentioned in section 175, at the time of his election;

(b) during the term for which he has been elected, incurs any of the disqualifications, mentioned in section 175, shall be disqualified from continuing to be a member, and his office shall become vacant.

(2) In every case, the question whether a vacancy has arisen shall be decided by the Director. The Director may give its decision either on an application made to it by any person, or on its own motion. Until the Director decides that the vacancy, has arisen, the members shall not be disqualified under subsection (1) from continuing to be a member. Any person aggrieved by the decision of the Director may, within a period of fifteen days from the date of such decision, appeal to the Government and the orders passed by Government in such appeal shall be final:

Provided that no order shall be passed under this subsection by the Director against any member without giving him a reasonable opportunity of being heard.

Keeping in view the facts and circumstances, we do not find any ground to interfere, at this stage. However, it is directed that competent

authority shall decide the complaint filed by the petitioner in accordance with law expeditiously and preferably within three weeks from the receipt of certified copy of this order. It is clarified that there is no expression of opinion on the merits of the matter.

Writ petition is disposed of accordingly.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

January 04, 2023
rts

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