



CWP-5589-2023

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

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Date of decision: 19.11.2024

Aftab

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for directing the respondents to consider the claim of the petitioner for the post of Lab Technician on the basis of the selection list dated 22.7.2022.

2. Learned State counsel refers to preliminary submissions of the reply filed by way of affidavit on behalf of respondent Nos. 1 and 2, to which there was no replication filed, and the relevant paras thereof read thus:

2. That it is also pertinent to mention here that neither any advertisement was published by the answering respondent nor applications were invited for conducting interview for the post of ward boy on dated 18.07.2022 and no interview was fixed for 22.07.2022 for the post lab technician and pharmacists. That after the notice and Knowledge of the deponent about Annexure P-2 to P-4, it has been revealed that someone has affixed forged signature on Annexure P-4 likeness signature in Annexure P-4 are scanned signature of Dr. Vikram Singh. Therefore, a criminal complaint had been sent to Police Station, Cyber Crime Nuhon dated 29.07.2022 for taking legal action against the accused. A



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copy is annexed as Annexure R-1. It is also pertinent to mention here that the signature affixed on Annexure P-2 and P-3 does not belong to any of the officer/official of the office of Civil Surgeon, Nuh.

3. That after the notice and knowledge of the deponent about Annexure P-2, P-3 and Annexure P-4 vide which selection list for the post of ward boy, pharmacists and lab technicians, the deponent was stunned and surprised as neither any interview was held nor any selection list was issued by the deponent. This was handiwork of some mischief-monger and disgruntled person, therefore a complaint has been sent to the Police Station, Cyber Crime Nuh on dated 29.07.2022 for taking legal action in the matter against the accused annexed as Annexure R-1, who has played fraud and cheating and published the selection list without any advertisement and interview by the deponent.

4. That the alleged representation annexure P-5 dated 21.09.2022 was never received in the office of deponent. It is further made clear that the alleged legal notice was also not received in this office as alleged.

5. That it is prayed that this is a case of fraud and cheating and strict course of action should be taken against the culprits, who has attempted to defame the department by their illegal and unlawful act of their omission and commission.”

3. In pursuance of the order dated 28.03.2023, status report by way of affidavit of Ms.Usha, Additional Superintendent of Police, Nuh had been filed, the relevant paras whereof reads thus:

“3. That the enquiry upon the said complaint was conducted by P/SI Suraj, P.S. Cyber Crime, Distt. Nuh. During enquiry, the statement of the complainant Dr. Vikram Singh was recorded on 22.03.2023 and the statement of the petitioner Aftab was recorded on 24.03.2023. During enquiry, no such appointment of Pharmacist, Information Assistant or Lab Technician was found to be conducted by the Health Department and the list of alleged candidates mentioned in the complaint was found to be fake and the official number mentioned on the said list was also found to be fake.



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Thereupon, the case FIR No. 13 dated 29.03.2023 u/s 419, 420, 467, 468, 471 IPC (Later on added Section 201, 120-B IPC) was registered at P.S. Cyber Crime, Distt. Nuh.

4. That the investigation of the above mentioned FIR was conducted by P/SI Suraj. During the course of investigation, the persons mentioned in the fake selection list were joined in the investigation. The accused Izarul, Rahees and Harpreet were arrested on 12.04.2023. Their disclosure statements were recorded. Accused Harpreet got recovered one mobile phone marka Redmi K20 Pro Black Colour along with sim no. 9654141583 used in the present crime. Accused Rahees got recovered one mobile phone marka Samsung Galaxy A52 S Light Green Colour along with sim no. 9813081994 used in the present crime. The said mobile phones were checked with the assistance of Cyber Cell and the whats app data recovered from the said phones was taken in a pen drive. Section 120-B IPC was added in the present case.

5. That the police remand of the above named accused persons was obtained for one day. They got demarcated the rooms in Mandikhera Hospital and CHC Nuh in which the fake meetings were held on 14/15.07.2022 for fake appointments. Accused Rahees got recorded his amended disclosure statement in pursuance of which he got recovered one mobile phone marka Vivo 1818 Blue Colour along with sim no. 9807237786 and 9813070071 used in the present crime. Accused Izarul got recorded his amended disclosure statement in pursuance of which he got recovered one mobile phone Realme C2 Black Colour along with sim no. 9671601400 and another mobile phone marka I-phone Red Colour along with sim no. 9671609100 used in the present crime. The same were taken into police possession. The raid was conducted to apprehend another accused Zabir, CSC Centre, Nuh, however, he was not found present at his CSC Centre. Accused Harpreet got recorded his amended disclosure statement in which he stated that he had torn and destroyed the original compromise affidavit. Section 201 IPC was added in the present case.

6. That one video and the photograph of a cheque were downloaded from the email ID panesarharpreetsingh16@gmail.com with the help of Cyber Cell and the same were taken into a pen drive and



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the said pen drive was taken into police possession. Accused Harpreet also got recovered the NRHM form pertaining to the fake appointment. The same was taken into police possession.

7. That the CDR of the above mentioned mobile phones was obtained with the help of Cyber Cell. The accused Izarul, Rahees and Harpreet were sent to judicial custody on 14.04.2023. The recovered mobile phones will be sent to DITAC Lab, Gurugram for retrieval of data. The accused Zahir is yet to be arrested.

8. That the investigation of the above mentioned FIR is going on to unearth the truth and to arrive at the just and logical conclusion and the other accused Zahir is yet to be apprehended and efforts Hand Drepared an are being made for the same. The challan is yet to be prepared submitted in the Ld. Court.”

4. Besides the above, since none had been appearing on behalf of the petitioner on the last date, notice was issued to him as well as his counsel and as per office report, he stands served while his counsel was also informed through email as well as on telephone. However, still there is no representation.

5. Keeping in view the reply, affidavit and facts of the case, the present petition being devoid of merit is hereby dismissed.

19.11.2024

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No