



**CM-6791-CWP-2024 and  
CM-13890-CWP-2024 in/and  
CWP No.13523 of 2016 (O&M)  
Date of Decision : 02-09-2024**

.....Petitioner

STATE OF PUNJAB &amp; ORS

.....Respondent(s)

Present: Mr. Ajay Pal Singh, Advocate  
for the petitioner.

Mr. Charanpreet Singh, AAG Punjab.

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**HARSIMRAN SINGH SETHI, J. (Oral)**

**CM-6791-CWP-2024 and CM-13890-2024**

These are applications for placing on record the copy of the conclusion of the enquiry report dated 26.02.2016 as Annexure P-12 and verification certificate issued by the University dated 06.07.2024 respectively as Annexure P-13.

In view of the contents mentioned in the applications, the same are allowed. Annexure P-12 and Annexure P-13 are taken on record subject to all just exceptions.

**CWP No.13523 of 2016 (O&M)**

In the present petition, the challenge is to the order dated 17.05.2016, copy of which has been appended as Annexure P-7, by which the petitioner has been directed to produce the originals of Graduation

certificate so that, appropriate decision with regard to the eligibility of the petitioner at the time of recruitment can be taken and also ascertain as to whether the petitioner has got appointment on the basis of forged documents or not.

Learned counsel for the petitioner argues that the petitioner had submitted all the documents required at the time of his appointment and all the documents are with the respondents and therefore, the petitioner cannot be asked to submit any other document so as to decide whether, the petitioner got appointment on the basis of the same or not.

Upon notice of motion, the respondents have filed their reply. In the reply, the respondents filed an additional affidavit wherein it has been mentioned that the petitioner never submitted the original degree of Graduation to the respondents or the original marksheet of having qualified the graduation examination hence, the petitioner is liable to be directed to submit the said original degree.

Learned counsel for the respondent further submits that as per the letter dated 21.08.2018 which has been issued by the Controller of Examination, Magadh University, Bodh Gaya, from where, the petitioner is supposed to have obtained the qualification of graduation, the said degree is forged.

Learned counsel for the petitioner on the other hand submits that now, on 06.07.2024 (Annexure P-13), the Magadh University, Bodh Gaya has given him another letter that the provisional certificate issued to the petitioner of having the graduation degree held in July, 1994 is valid.

From the above, it shows that the Magadh University, Bodh Gaya is writing the contradictory letter with regard to the qualification of the petitioner.

Once, the disputed question of fact arises in the present petition, this Court does not have any jurisdiction to decide as to whether the letter written by the Magadh University, Bodh Gaya dated 21.08.2018 is correct or the letter which has not been attached by the petitioner as Annexure P-13, vide order dated 06.07.2024 is correct. Hence, in the facts and circumstances of the present case, the Vigilance Department, Punjab is directed to ascertain from the University concerned as to whether, the qualification of the petitioner is valid or not and submit a report to the Transport Department, Punjab within a period of 2 months of the receipt of copy of this order. The said report should be supported by due evidence to arrive at a particular conclusion so that, the Transport Department is in a position to decide as to whether the petitioner secured the job on the basis of the valid document or the forged document.

The Transport Department is free to pass an appropriate order after receiving the report from the Vigilance Department in accordance with the law after giving due opportunity of hearing to the counsel for the petitioner.

Present writ petition is disposed of in abovestated terms.

Pending application, if any, also stands disposed of.

**02-09-2024**

Sapna Goyal

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

NOTE: Whether speaking: YES/NO  
Whether reportable: YES/NO