



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

CRM-M-41671-2024

Date of Reserve: 05.11.2024

Date of Decision: 16.12.2024

Radhakrishnan Thankappan @ T. Radhakrishnan

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. M.P.S., Bhatia, Advocate with
Mr. Mohd. Jameel, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 482 of B.N.S.S, with a prayer to grant anticipatory bail to him in case FIR No. 166, dated 15.04.2022, under Sections 120-B, 420, 465, 467, 468, 471, 474 of IPC, (offence under Section 201 of IPC and Section 7 of Prevention of Corruption Act added later on), registered at Police Station Sector-14, Panchkula, Haryana (Annexure P-1).

2. Learned counsel for the petitioner submits that the FIR in the present case was registered on the basis of the statement moved by Superintendent of Haryana Pharmacy Council by alleging that Board of School and Technical Education, Bilaspur, Chhattisgarh is a fictitious and fake Board (hereinafter referred to as the "Board") and the fake certificates were issued by the "Board" to the residents of State of Haryana, who used the said certificates



for getting government employment as well as getting license from the Haryana State Pharmacy Council and other institutes. Learned counsel for the petitioner further contends that the petitioner had no connection with the allegations levelled by the complainant in the FIR and till date, not even single complaint has been received against the petitioner. The alleged fake certificates were issued by “Board” and its office bearers in the State of Haryana and the petitioner had no relation with the “Board” in any manner. The petitioner retired as an I.A.S Officer on 31.07.2016. Learned counsel next contends that the petitioner remained posted as Chairman of the Chhattisgarh Secondary Education Board (hereinafter referred to as the “Chhattisgarh Board”) with effect from 10.04.2012 to 29.03.2014. During his posting as the Chairman of the “Chhattisgarh Board”, the academic section had granted temporary equivalency to the “Board” on 07.11.2012. The “Chhattisgarh Board” could grant the equivalency after recommendation of the Curriculum Committee headed by the Vice Chairman of the “Chhattisgarh Board”, but at the same time, the State Government had not appointed the Vice Chairman. Consequently, in view of the provisions contained in Section 15(3) of the “Chhattisgarh Board”, the powers of Vice-Chairman were vested and were exercisable by the Chairman of the Board. The Temporary Equivalency granted to “Board” was suspended on 11.03.2014.

3. Learned counsel further contended that the petitioner had already retired eight years ago and was not in possession of any of the record of “Chhattisgarh Board”. Even, “Chhattisgarh Board” had been granting



equivalency to several other institutions also. He further contends that even the petitioner was not named in the FIR, nor any specific role was attributed to him. However, more than two years of registration of the case, the police is making an attempt to falsely involve the petitioner in the present case. He further contends that the petitioner is a resident of Chhastigarh and is not in a position to influence the witnesses of the prosecution. He further contends that even the “Board” was an unapproved institute and the temporary recognition granted to the “Board” was declared void ab initio by the “Chhattisgarh Board” vide order dated 07.03.2015. Thus, the custodial interrogation of the petitioner may not be required in the present case.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that a trust namely “Board” was registered on 11.10.2012 and the same was registered with Sub-Registrar, Hisar under the Trusts Act. The “Board” itself applied with the Chhattisgarh Madhyamik Shiksha Mandal, Raipur for granting them the equivalency with the “Chhattisgarh Board” for conducting exams for the Secondary and Higher Secondary Classes in the State of Chhattisgarh. On 07.11.2012, the temporary equivalency was granted in violation of Madhyamik Shiksha Abhiniyam, 1965 and Madhyamik Shiksha Mandal Pariniyam, 1967. Before granting any equivalency, the report from the Curriculum Committee has to be sought and the meeting was fixed on 08.11.2012. However, the equivalency certificate was granted on 07.11.2012 itself. Still further, temporary equivalency was granted on 07.11.2012 and the “Board” had issued the first



marks sheet for the class 10+2 to the students enrolled with them on 28.12.2012. It is surprising that in a span of 50 days, the students took admissions, completed their entire curriculum, examination centers were constituted and the students appeared in the exams with practicals and their results were also declared by the “Board”. Learned State counsel further submits that during investigation, sufficient evidence has been collected against the present petitioner. Learned State counsel further referred to Para-2 (Q) and (R) of the status report and the same have been reproduced below:-

“That during his disclosure, the Nitin Lamba has disclosed the Modus Operandi of the scam. He along with other Trustees of the Board, applied for getting the equivalency from Chhattisgarh Madhyamik the Shiksha Mandal, Raipur. He was told to complete 13 required norms to get the Equivalency. Though the Board was only able to complete only 07 requirements out of 13 requirements. Therefore, the said Nitin Lamba along with other Trustees, had bribed some of the officials of the Chhattisgarh Government and also to the petitioner, who was an IAS Officer, was holding the position of Chairman of the Chhattisgarh Madhyamik Shiksha Mandal, Raipur to obtain the equivalency. The petitioner after taking extraneous consideration as per his (Nitin Lamba) disclosure to the amount of Rs.15/16 lacs from the prime accused Nitin Lamba and his associates, has granted the temporary equivalency to the fake education board constituted by the accused under the name and style of: BOARD OF SCHOOL AND TECHNICAL EDUCATION, CHATTISGARH, which was a parallel education board of the Chattisgarh Government i.e, CHATTISGARH MADHAYAMIK SIKSHA MANDAL, CHATTISGARH. In this manner the fake board of the prime



accused persons was granted temporary equivalency on 07.11.2012 in sheer violation of the Madhyamik Shiksha Adhiniyam 1965, by the corrupt act of the Petitioner. After getting this temporary equivalency to their board, the prime accused, in a fraudulent manner, advertised in the Newspaper that the Board has been granted full-fledged equivalency and invited various institutions and schools to get affiliation with the Board. For this purpose, they used to collect fee from the students and institutions and schools. Thereafter, they awarded the Matriculation and 10+2 Marksheets and Certificates to the Students. Prime accused Nitin Lamba, further disclosed in the span from December 2012 till 2015, they conducted 10 sessions of examination for the Matriculation and 10+2. He further disclosed that he was the main instrument in providing certificates to the various students till the year 2014, till the time Board was having temporary equivalence and even after the suspension/dismissal of so-called temporary equivalency in the year 2015, he continued issuing various Marks Sheets and Certificates to the students till date. Prime accused Nitin Lamba, further admitted that even after suspension, approximately 1500-1800 Mark Sheets and Certificates has been issued by him along with other co-accused in back dates and years. This apart, he further disclosed the list of around 122 students, regarding which the Council has written to the Board about the verification of their 10+2 Marksheet and Certificates being genuine and the Prime accused Nitin Lamba, has himself verified the Certificate of 10+2 issued by the Board as genuine by his own signature in the year 2021. This shows, that the Board was still being run by the accused persons even much after its dismissal in the year 2015 and till year 2022 (when the prime accused Nitin Lamba was arrested by the SIT, State Crime Branch), the fact of temporary equivalency of the Board has deliberately hidden from



the Haryana State Pharmacy Council and all other such authorities across the Nation, in reply of verifications of the Certificates issued by the Board, when put by them to the Board.”

R.That the police remand of the prime accused Nitin Lamba was further extended till 12.08.2022.During his disclosure, he has named various Institutes and Colleges active in various states like Punjab, Rajasthan, Chattisgarh, Maharashtra, West Bengal etc., which are indulge in procuring the students for the getting certificates for the students on the pretext that they will give D- Pharmacy Certificates to the Student themselves and the Board (of whose he was Trustee and King Pin) is just to provide the eligibility 10+2 Marks Sheets and Certificate in back dates and year of session 2012 to 2015. The prime accused Nitin Lamba was running the fake Degree/Certificates racket in PAN India.”

5. Learned State counsel further submits that the custodial interrogation of the petitioner is required in the facts and circumstances of the present case.

6. I have heard the learned counsel for the parties and I have perused the record the carefully.

7. From the record, it is apparent that the petitioner being the Chairman of the “Chhattisgarh Board” had granted the equivalency certificate to the “Board” illegally. From the year, 2015 to 2022, the “Board” had issued approximately 1018 certificates to the matric students and 2356 certificates of 10+2 students pertaining to the back dates and the year prior to 2015 and after 2015. Still further, the record was obtained from the General Administration



Department of Chhattisgarh Government and it has been informed that the petitioner, who was also charge-shetted on 25.07.2015 by the Chhattisgarh State Government under Rule 8 of AIS (D&A) Rules 1969 for the alleged acts of omission and commission, while he was holding the post of Chairman of “Chhattisgarh Board”. Even, the disciplinary authority had approved the proposal of imposing a major penalty of “cut in pension. The Disciplinary Authority also decided to agree with the advice of U.P.S.C for imposing the penalty of “withholding of 10% of monthly pension otherwise admissible to him for a period of two years”. Even from the departmental enquiry, it has been found that the granting of temporary equivalency to the “Board” was a grave mis-conduct and the said mis-conduct has already been proved during the deparmental enquiry. Apart from that, the petitioner had colluded with the “Board” and its officials to commit huge scam running into several crores, playing with the lives of innocent students. He granted temporary equivalency to the “Board”, when the “Board” was able to fulfil only seven out of thirteen condition. Apart from that, the custodial interrogation of the petitioner is required to facilitate a thorough and detailed probe in the present case.

8. Thus, in view of the gravity of the allegations against the petitioner as well as need for custodial interrogation, the present petition deserves to be dismissed by this Court.

9. Dismissed.

16.12.2024

hitesh

(N.S.SHEKHAWAT)
JUDGE

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