



CWP No.26047 of 2021 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CWP No.26047 of 2021 (O&M)
Date of Decision: 21.08.2024

Shingara Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: None for the petitioner.

Ms. Niharika Sharma, AAG, Punjab
for respondents No.1 to 4.

Mr. Amrik Singh, Advocate
for respondent No.6.

VINOD S. BHARDWAJ, J (ORAL)

CM-2701-CWP-2024

This is an application for allowing respondent No.6 to file the written statement and for placing on record the same.

Application is allowed subject to all just exceptions and the said written statement is taken on record.

Main Case

Prayer in the present petition is for setting aside the impugned order dated 02.11.2021 (Annexure P-7) vide which respondent No.6 was allegedly illegally promoted even though a departmental inquiry was pending against him.

**CWP No.26047 of 2021 (O&M) -2-**

In the present petition, the petitioner had sought information under the RTI Act from the Block Development and Panchayat Officer, Machhiwara Sahib, District Ludhiana for obtaining copies of 10th and 12th class certificates of respondents No.6-Kewal Singh but the same were not supplied to him. He also submits that a request was made to respondent No.4 to verify the 10th and 12th certificates submitted by respondent No.6-Kewal Singh who was working as Panchayat Secretary, Block Sri Machhiwara Sahib, District Ludhiana. An affidavit of the petitioner was sought for, which was duly furnished by him. However when no action was initiated, a complaint dated 05.07.2021 was filed by him with the respondents. He submits that on the above said complaint submitted by the petitioner with the respondent authorities, the Department of Rural Development and Panchayat Punjab directed District Development and Panchayat Officer, Ludhiana to conduct an inquiry. In compliance thereto, the District Development and Panchayat Officer directed appearance of respondent No.6 as well as the petitioner in the inquiry. He further alleges that the officials of the Block Development and Panchayat Officer are trying to shield respondent No.6 and that despite an ongoing departmental inquiry against respondent No.6, the order of his promotion had been passed.

Reply on behalf of respondent No.1 to 4 has been filed, with a copy in advance to learned counsel for the petitioner, wherein it has been averred that certificates of respondent No.6 had been verified from the school and the same were found true as per record. The relevant extract of the same is as under:-

“3) That it is further submitted that the Executive Officer Panchayat Samiti Machiwara Sahib had sent a letter to

**CWP No.26047 of 2021 (O&M) -3-**

Director, Punjab School Education Board to verify the matriculation certificate of Kewal Singh, Panchayat Secretary, Block Machiwara, Ludhiana (Respondent No.6) vide letter bearing Endst. No.2685 dated 11.10.2021; which has been annexed as Annexure R-1 for the bare perusal of this Hon'ble Court.

4) That further, the department of Punjab School Education Board vide its letter reference No.457 dated 28.03.2022 verified that matriculation certificate of Kewal Singh S/o Harinder Singh, Roll No.579323 is true as per their records; which has been annexed as Annexure R-2.

5) That the department of answering respondent has not done any irregularity by promoting respondent No.6 to the post of Panchayat Officer, as it is a promotional post from amongst the Panchayat Secretaries and the minimum educational qualification required for the post of Panchayat Secretary is Matriculation (matric passed)".

Reply on behalf of respondent No.6-Kewal Singh has also been filed, wherein he submits that he has submitted the certificates in question at the time of joining with the department and the same were duly verified and that he has since then been superannuated. It is further submitted that the complaint in question was filed maliciously and for conducting a roving inquiry by the petitioner against respondent No.6 even though the petitioner was not an aggrieved person.

The present petition has been filed raising a challenge to the order of promotion solely on the ground that the Educational Certificates of class 10th and 12th submitted by respondent No.6 were forged, however, the same have been duly verified and are found to be correct. It seems that the submission of complaint by the petitioner was misconceived and was

maliciously initiated without any valid basis.



CWP No.26047 of 2021 (O&M) -4-

In view of the above, the present petition is dismissed. While dismissing the present writ petition, this Court also notices that valuable judicial time has been wasted by filing of a frivolous writ petition before this Court. No document had been appended with the petition on the basis whereof it could be *prima facie* held that there was some reasonable ground for a valid suspicion. Accordingly, a cost of Rs.10,000/- is imposed on the petitioner, to be deposited with the High Court Legal Services Committee within a period of three months of receipt of certified copy of this order.

21.08.2024

D.Bansal

**(VINOD S. BHARDWAJ)
JUDGE**

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