

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-25230-2022 (O&M)
Date of decision: 30.04.2024

Vijay Joon ...Petitioner
VERSUS

State of Haryana and others ...Respondents
CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- None for the petitioner.
Mr. Vivek Chauhan, Addl. A.G. Haryana.
Mr. Anurag Goyal, Advocate for respondent No.4.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for issuance of direction to the official respondents to dismiss respondent No.4 from service on the ground that she was not having the essential qualification as per statutory rules and allegedly submitted forged educational documents in this regard.
2. There is no representation on behalf of the petitioner. The position was the same on the last date of hearing as well. The matter is being decided without waiting any further.
3. As per the averments made in the petition, respondent No.4 was working as a Joint Director in the office of Director General, Elementary Education, Haryana at Panchkula and is stated to be holding a substantive post without fulfilling the eligible qualification for the said post. It has been alleged that the Government of Haryana had issued an advertisement No.03 dated 30.11.1996 for inviting applications for filling various posts lying vacant through Haryana Public Service Commission, Chandigarh. One of the vacancies was for filling of 73 posts of Principals, Government Senior

Secondary School under the Education Department, Haryana. The essential qualifications reads thus:-

“Essential Qualifications:-

- (i) M.A./M.Sc./M.Com.***
- (ii) B.T./B.Ed. / S.A.V./ LT./D.T.***
- (iii) Teaching experience of atleast 8 years after B.T./ B.Ed./ S.A./ L.T./ D.T.. (for Lecturers of Senior Secondary Schools it should be eight years after M.A./ M.Sc./ M.Com.) in Higher Sec. Schools/ High/Middle Schools/ Model Schools or Training Schools/ College or as Block Education Officers, Out of which two years experience should comprise as a Head of Higher Sec./ High/ Basic Training Schools/ Lecturer in Govt. Higher Sec. School/ Co-ordinator Junior Specialist/ Technical Assistant/ Statistical Officer provided the experience as Coordinator or Junior Specialist/ Statistical Officer will count as equal to the experience of Headmaster/ Headmistresses if the post of Coordinator or Junior Specialist/ Technical Assistant/ Statistical Officers was in the same pay scale as that of a Headmaster/Headmistress of a High School.***
- (iv) Knowledge of Hindi upto Matriculation or its equivalent standard.***

The Prescribed essential minimum qualifications are Minimum.”

4. Respondent No.4 claiming to be eligible and fulfilling the

qualification applied under the General Category. It is averred that the petitioner had sought information under the RTI Act, 2005 about the MIS profile of respondent No.4 and that the copies of her educational qualifications were denied. It is averred that the qualification held by respondent No.4 at the time of her appointment as Principal are as under:-

Name	Sunita Devi
Date of Birth	01.02.1996
Education:-	
10th	01.06.1982 (Board of Higher Secondary Education, Delhi).
12th	25.05.1984(Board of Higher Secondary Education, Delhi).
B.A.	01.09.1986 (Hindu Girls College, Sonapat-Mahrishi Dayanand University, Rohtak).

5. Further, an experience dated 26.11.1996 was submitted by respondent No.4 for having worked as SS Mistress from 1993 to 30.09.1994 and as Head Mistress since 01.10.1994. It was on the basis of the said qualification that the Haryana Public Service Commission offered appointment to respondent No.4 as Principal vide letter dated 03.09.1998.

6. It is alleged in the petition that respondent No.4 cleared her 12th in the year 1984 and completed a three year Degree of Bachelor of Education in the year 1986 i.e. within two years which is not possible and that she was also not possessing a Master’s Degree as per essential required qualifications along with the B.T./B.Ed. and that she lacked the teaching experience of 08 years after post-graduation. It is further averred that a complaint against the illegal appointment of respondent No.4 was submitted

to the concerned authority. The enquiry had not been completed compelling the petitioner to approach this Court against the illegal appointment of respondent No.4.

7. Short reply thorough Special Secretary to Govt. of Haryana, Secondary Education Department, Haryana at Panchkula, on behalf of respondents No.1 to 3, had been filed wherein it was stated that the matter was enquired into by the officer and a enquiry report was submitted on 02.02.2023 in which it was submitted that no action was required ought to be taken on the complaint and that respondent No.4 had been appointed on the post of Principal on the basis of genuine degree and experience certificate. Copy of the enquiry report has also been appended as Annexure R-1 with the short reply. The aspects as regards the degree possessed by respondent No.4 and also the gap of 02 years has been duly noticed in the said enquiry report.

8. Even though the aforesaid reply had been filed by respondents No.1 to 3 in June-2023 a copy thereof had been sent to the petitioner on 06.06.2023 through an email, no replication/rejoinder to the same has been filed nor the enquiry report impugned or challenged in any other petition.

9. In the absence of any such challenge to the said enquiry report, there is no reason for this Court to disbelieve the same or to opine to the contrary.

10. The present petition is accordingly **dismissed at this stage** with liberty to the petitioner to take recourse to the appropriate proceedings against the enquiry report submitted by the respondents, if so advised.

(VINOD S. BHARDWAJ)
JUDGE

30.04.2024

Mangal Singh

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