



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

**CWP-4626-2024 (O&M)**  
**Date of decision :22.08.2025**

KRISHAN

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Vikram Singh, Advocate  
for the petitioner.

Mr. S.K. Panwar, Addl. A.G., Haryana.

Mr. Sandeep Kotla, Advocate  
for respondent No.6.

**HARSH BUNGER, J.**

1. Petitioner-Krishan has filed the present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *certiorari*, for setting aside the order dated 30.01.2024 (Annexure P-10) passed by the learned Deputy Commissioner, Jind whereby, he has been removed from the post of *Sarpanch* of Gram Panchayat, Village Gongoli, Block Pillu Khera, District Jind.

1.1 A further prayer has been made for setting aside the order dated 21.02.2024 (Annexure P-11) passed by the learned Commissioner, Hisar Division, Hisar whereby, an appeal filed by the petitioner against the order dated 30.01.2024 (Annexure P-10) has been dismissed.

2. Briefly, the petitioner was elected as the *Sarpanch* of Village Gongoli in the year 2022. Subsequently, respondent No.6- Mahender Singh Malik, submitted a complaint against the petitioner that at the time of election, he had submitted a fake 10<sup>th</sup> Class certificate. On the

basis of the above-referred complaint submitted by respondent No.6, proceedings were initiated against the petitioner wherein, a Show Cause Notice dated 18.01.2023 (Annexure P-5) was issued to him, for which, he submitted his reply dated 06.02.2023 (Annexure P-7) wherein, it was *inter alia* stated that the petitioner had completed his 10<sup>th</sup> Class from the *Uttar Pradesh Open School Board* vide Roll No.17040138. It appears that the learned Deputy Commissioner, vide order dated 05.04.2023 (Annexure P-8) suspended the petitioner from the post of *Sarpanch* and even an appeal filed by the petitioner against his suspension order was dismissed by the learned Commissioner, Hisar Division, Hisar, vide order dated 26.09.2023 (Annexure P-9). Subsequently, upon consideration of the matter, the learned Deputy Commissioner, Jind, vide order dated 31.01.2024 (Annexure P-10), removed the petitioner from the post of *Sarpanch*, in exercise of his powers under Section 51(3)(c) of the Haryana Panchayati Raj Act, 1994 (in short 'the 1994 Act') primarily on the ground that the 10<sup>th</sup> Class certificate produced by the petitioner is not recognized by the Haryana State Government.

2.1 Being aggrieved against the order dated 31.01.2024 (Annexure P-10), the petitioner preferred an appeal before the learned Commissioner, Hisar Division, Hisar; however, the same was also dismissed vide order dated 21.02.2024 (Annexure P-11), by observing as under :-

*“7. In this case, it has been mentioned in the complaint by the complainant Sh. Mahender Singh son of Sh. Bhalle Ram resident of Gangoli that the tenth class certificate produced by the appellant at the time of elections was fake.*

*8. A preliminary inquiry was conducted by Sub-Divisional Officer (Civil) Safidon, on the basis of which the Appellant was suspended from the post of Sarpanch by the Deputy Commissioner, Jind. Executive Appeal No.15863 dated*

12-04-2023 was filed in this Court on behalf of the Appellant against the suspended orders which was dismissed by this Court vide order dated 26-09-2023. Thereafter, the Chief Executive Officer, Zilla Parishad, Jind was appointed as the Investigating Officer to investigate the charge sheet issued to the appellant. The investigating officer wrote in his report that the mark sheet of the tenth examination attached by Krishan Sarpanch Gram Panchayat Gangoli in the application form of Sarpanch is not recognized by the Uttar Pradesh Government and Haryana State Government. Therefore, all the allegations levelled against Sh. Krishan Sarpanch Gram Panchayat Gangoli are proved true. After receiving the investigation report, the Appellant was given an opportunity of personal hearing by the Deputy Commissioner, Jind. During the personal hearing, the Appellant Sh. Krishan could not present any document regarding his educational qualification which could prove that his 10<sup>th</sup> DMC was recognised.

9. Section 175(v) of Haryana Panchayati Raj Act, 1994 mentions that –

[175] Disqualifications. No person shall be a Sarpanch of a Panch of a Gram Panchayat or a member of a Panchayat Samiti or Zila Parishad or continue as such who-

(v) has not passed matriculation examination or its equivalent examination from any recognized institution/board.

10. According to the above explanation mentioned in the Haryana Panchayati Raj Act, it is mandatory for the candidate for the post of Sarpanch to have passed 10<sup>th</sup> class or its equivalent examination from a recognized institute/board. In this case, the 10<sup>th</sup> class certificate submitted by the appellant Sh. Krishan along with the nomination is issued by the Uttar Pradesh State Open School Council, Prayagraj. But according to the Secretary, Secondary Education Council, Uttar Pradesh Prayagraj, the name of Uttar Pradesh State Open School Council, Prayagraj is not included in the

*equivalence list mentioned in Chapter 12 and Chapter 14 of the Council Regulations. In this context, no evidence has been presented by the appellant regarding the recognition of Uttar Pradesh State Open School Council, Prayagraj.*

*11. Thus, it is clear that the 10<sup>th</sup> class certificate submitted by the appellant along with the nomination has not been issued by the recognized board. Keeping all these facts in mind, the Deputy Commissioner, Jind, by order dated 30-01-2024, while exercising the powers vested under Section 51(3)(c) of the Haryana Panchayati Raj Act 1994, the Appellant Sh. Krishan was removed from the post of Sarpanch of Gram Panchayat Gangoli. There does not appear to be any error of any kind in the order passed by the Deputy Commissioner, Jind. Apart from this, according to the documents cited by the Assistant District Attorney, an FIR has also been registered against this board by the Uttar Pradesh Government in the year 2018.*

*12. Therefore, in view of the circumstances mentioned above, the appeal of the appellant is rejected as it is found to be forceless and baseless. The records of the office of Deputy Commissioner, Jind should be sent back along with the attested copy of this order. File should be consigned in the record room after compliance.”*

2.2 In the afore-mentioned circumstances, the present writ petition has been filed before this Court, for the relief, as noticed here-in-above.

3. Learned counsel for the petitioner has submitted that the authorities below have erred in law and fact in passing the impugned orders and the petitioner has been wrongly removed from the post of *Sarpanch* only on the ground that the 10<sup>th</sup> Class certificate produced by him from the *Uttar Pradesh Open School Board* is not recognized by the Haryana Education Board. It is submitted that the petitioner is sought to be removed from the post of *Sarpanch* on account of an alleged disqualification, in terms of Section 175(v) of the 1994 Act, which envisages that a man

ordinarily aspiring for the post of *Sarpanch* must have passed a matriculation examination or its equivalent, from recognized institution/board. It is submitted that as regards Section 175(v) of the 1994 Act is concerned, it is not necessary that such recognition must be by a local board or institution in the State of Haryana only and rather the same can be recognized by any institution/board from any other State. Accordingly, it is submitted that the petitioner has been wrongly non-suited and prayer has been made for setting aside the impugned orders.

4. Per contra, learned State counsel as well as learned counsel appearing on behalf of respondent No.6 have opposed the submissions raised on behalf of the petitioner that the matriculation certificate submitted by the petitioner has been issued by the *Uttar Pradesh Open School Board*, which is not recognized institution in the State of Haryana nor it is included in the equivalent list.

4.1 Learned State counsel has further referred to para nos.2 and 3 of its written statement, which reads as under :-

*“2. That brief facts as stated by the petitioner in this writ petition are that the petitioner was elected to the post of Sarpanch of Gram Panchayat Gangoli in the Panchayat elections held in October-November 2022. Thereafter private respondent No.6 Mahender Singh Malik son of Bahller Ram resident of village Gangoli moved a complaint against the petitioner alleging therein that the 10<sup>th</sup> class certificate attached by the petitioner in his nomination paper was not valid. Upon receiving the aforesaid complaint an inquiry was initiated. The respondent No.5 written a letter (Annexure P-2) to the deponent (respondent No.4) for conducting the inquiry into the matter and to submit the report. Accordingly the respondent No.4 vide letter dated 23.11.2022 (Annexure P-3) asked the petitioner to join the inquiry on 29.11.2022. The petitioner appeared and filed his reply with some documents.*

*He produced his 10<sup>th</sup> marksheet which is shown to be issued by Uttar Pradesh Open School Board vide Roll No.17040138.*

3. *That thereafter, the Block Development and Panchayat Officer, written a letter No.1657 dated 30.11.2022 to Secretary, Secondary Education Council, Uttar Pradesh, Prayagraj asking therein about the equivalence of Uttar Pradesh State Open School Board and in reply to the said letter, the Secretary, Secondary Education Council, Uttar Pradesh, Prayagraj vide his letter No.9/928 dated 13.12.2022 (**Annexure R-1**) has informed that the name of Uttar Pradesh State Open School Board is not included in equivalence list mentioned in chapter Twelve and fourteen of the Council Regulations. The respondent No.4 vide his letter No.1660 dated 30.11.2022 asked Director Haryana Education Department, Panchkula regarding the equivalence of the 10<sup>th</sup> class passed from Uttar Pradesh State Open School Board, equal to 10<sup>th</sup> class of Bhiwani Board and the Secretary, Board of School Education Haryana, Bhiwani vide his letter No.881/EW/A-3 dated 25.01.2023 (**Annexure R-2**) informed that any examination run by the Uttar Pradesh State Open School Council, Prayagraj is not equivalent to any examination of Board of School Education Haryana Bhiwani and the same is not mentioned in the equivalence list. After due inquiry the Block Development and Panchayat Officer, Pillukhera submitted his report to Sub Divisional Officer (Civil), Safidon(**Annexure R-3**).*

4.2 On the basis of the above-extracted para nos.2 and 3, learned State counsel has submitted that the 10<sup>th</sup> Class certificate produced by the petitioner was fake and therefore, he has been rightly removed from the post of *Sarpanch*. Accordingly, prayer has been made for dismissal of the instant writ petition.

5. Heard.

6. The controversy involved in this case revolves around the true

intent and import of Section 175(v) of the 1994 Act, which sets out disqualification in relation to various posts, including Sarpanch.

6.1 Section 175(v) of the 1994 Act reads as under :-

*“175. No person shall be a Sarpanch, or a Panch of a Gram Panchayat or a member of Panchayat Samiti or Zila Parishad or continue as such, who*

*(a) to (u)      xxx                                      xxx                                      xxx*

*(v) has not passed matriculation examination or its equivalent examination from any recognized institution/board:*

*Provided that in case of a woman candidate or a candidate belonging to Scheduled Caste, the minimum qualification shall be middle pass:*

*Provided further that in case of a woman candidate belonging to Scheduled Caste contesting election for the post of Panch, the minimum qualification shall be 5th pass;”*

6.2 The afore-said Section 175(v) of the 1994 Act was considered by this Court in ***Civil Writ Petition No. 21057 of 2016 titled as “Ramesh Kumar versus State of Haryana” (decided on 18.03.2020)***, wherein it was held as under:-

*“The petitioner is a resident of Village Bohli, Post Office Kabri, Tehsil Madlauda, District Panipat. He is aggrieved by the order dated 20.08.2016 passed by the Deputy Commissioner, Panipat, upon his petition against the Sarpanch of the Gram Panchayat of the said village, the 6th respondent herein. The complaint of the petitioner was that the 6th respondent suffered disqualification to hold the post of Sarpanch as his Matriculation certificate was not genuine. The petitioner pointed out that the 6th respondent claimed to have passed his Matriculation course from Takshila College, Karnal, but as per his information, there was no such college in existence. He further asserted that the Bhartiya Shiksha Parishad, Uttar Pradesh, which was stated to have issued the subject Matriculation certificate was not recognized by the Council of Boards of School Education, New Delhi. The*

*petitioner therefore wanted action to be taken by the authorities under Section 51 of the Haryana Panchayati Raj Act, 1994 (hereinafter, 'the Act of 1994'), for removal of the 6th respondent from office. However, by the impugned order dated 20.08.2016, the Deputy Commissioner, Panipat, opined that as the status of Bhartiya Shiksha Parishad, Uttar Pradesh, was sub judice before the civil Court, no action could be taken at this stage and deferred the matter on that ground.*

*Before adverting to the factual aspects of the case, it would be appropriate to consider the statutory scheme of the Act of 1994 in this regard. Section 51 thereof deals with suspension and removal of a Sarpanch/Panch. Section 51(3)(b) states to the effect that the Director or the Deputy Commissioner may remove a Sarpanch or Panch from office after following the due procedure if he was disqualified to be a member of the Gram Panchayat at the time of his election. Section 175 of the Act of 1994 sets out the disqualifications in relation to various posts, including that of a Sarpanch. Section 175(v) postulates that, generally, a male candidate who has not passed Matriculation examination or its equivalent examination from any recognized Institution/Board shall not be a Sarpanch or a Panch. Therefore, any man ordinarily aspiring to the post of Sarpanch must have passed Matriculation examination or its equivalent from a recognized Institution/Board. Be it noted that, in terms of this restriction, it is not necessary that such recognition must be by a local Board or Institution in the State of Haryana only and even if the Matriculation certificate is recognized by any Institution/Board from any other State, it would suffice.*

*xxx*

*xxx*

*xxx*

*...In terms of Section 175(v) of the Act of 1994, what is required is that the 6th respondent's Matriculation certificate must be recognized by any Institution/Board. Though the petitioner seems to have inquired as to the status of the Bhartiya Shiksha Parishad in this regard with the Council of Boards of School Education, New Delhi, there is no*

*material to support his contention that every institution in the country which offers Matriculation course would invariably have to be recognized by this Council. When the statutory provision merely requires recognition by any Institution/Board, it was for the authorities concerned to verify, as a matter of fact, whether such recognition was conferred upon the institution which issued the Matriculation certificate. Admittedly, no such exercise was undertaken by the Deputy Commissioner, Panipat, to ascertain whether the Matriculation certificate secured by the 6th respondent from Bhartiya Shiksha Parishad, Uttar Pradesh, was recognized by any Institution or Board in the State of Uttar Pradesh or from elsewhere. Without inquiring into this aspect and losing sight of the limited scope of the pending litigation before the trial Court, the Deputy Commissioner, Panipat, abdicated his statutory function and power under Section 51(3) of the Act of 1994 and unnecessarily deferred the matter.*

xxx                      xxx                      xxx

*The writ petition is accordingly allowed to the extent of directing the Deputy Commissioner, Panipat, to inquire into the matter on merits, in terms of the observations made hereinbefore, and take a reasoned decision thereafter, on facts and in accordance with law. This exercise shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order...”*

6.3            The aforesaid order dated 18.03.2020 passed in case of **Ramesh Kumar (supra)** was challenged by way of an intra-court appeal before a Division Bench of this Court in **Vikram Singh v. Ramesh Kumar, 2020 AIR (P&H) 150**; wherein the judgment in case of **Ramesh Kumar (supra)** was upheld by observing as under:

*“5. Before dwelling upon the merits of the case, it would be appropriate to consider the statutory scheme of the 1994 Act in this regard. Section 51 thereof deals with suspension and removal of a Sarpanch or a Panch from office. Section*

*51(3)(b) of the 1994 Act postulates that the Director or the Deputy Commissioner may remove a Sarpanch or a Panch from office after following the due procedure if he was disqualified to be member of the Gram Panchayat at the time of his election. Section 175(v) of the 1994 Act sets out the disqualifications in relation to various posts, including that of a Sarpanch. It provides that, generally, a male candidate, who has not passed Matriculation examination or its equivalent examination from any recognized Institution/Board, shall not be a Sarpanch or a Panch. Therefore, any male ordinarily aspiring to the post of a Sarpanch must have passed Matriculation examination or its equivalent from a recognized Institution/Board. Be it noted that, in terms of that restriction, it is not necessary that such recognition must be by a local Board of Institution in the State of Haryana only and even if the Matriculation certificate is recognized by any Institution/Board from any other State, it would serve the purpose.*

*6. In the present case, the appellant claimed to have passed his Matriculation course from Takshila College, Karnal, which has now been renamed as Manas Sanskrit Maha Vidyalaya/Manas Model Senior Secondary School, Karnal and is under the control of the Bhartiya Shiksha Parishad, Uttar Pradesh. The said Bhartiya Shiksha Parishad, Uttar Pradesh, offers courses not only at the Matriculation level but also up to higher studies and a litigation arose between Bhartiya Shiksha Parishad, Uttar Pradesh and the University Grants Commission, New Delhi, by way of a civil suit in RS No.336 of 1998, which was pending in the Court of Civil Judge (Junior Division), South Lucknow.*

*7. A careful perusal of the plaint of said suit makes it evidently clear that Bhartiya Shiksha Parishad, Uttar Pradesh, claimed to be a Society registered under the provisions of the Societies Registration Act, 1860, and its aim was to provide education to the general public. Bhartiya Shiksha Parishad, Uttar Pradesh never claimed either to be a University or affiliation*

*to a University and its grievance was that the University Grants Commission, New Delhi, was brandishing it to be a fake University. In this backdrop, a declaration has been sought that it was not claiming to be a University but only a registered Society, promoting education amongst the common people in accordance with the standard and norms settled by itself and consequently it was issuing its own certificates to the successful candidates. It was only on account of the pendency of the aforesaid civil suit, the Deputy Commissioner, Panipat, has deferred consideration of the petitioner's claim against the appellant.*

*8. Coming to first submission of counsel, the learned Single Judge, while disagreeing with the submission, has observed that the writ petition was pending consideration before this Court since October, 2016 and, therefore, it would not be proper to non-suit the petitioner at this stage on the ground of availability of an effective alternative remedy. Learned Single Judge has further observed that be it noted that the said doctrine does not postulate a straitjacketed formula and it would be well within the discretion of this Court to entertain a writ petition notwithstanding the availability of an alternative remedy.*

*9. We are in total conformity with the observations of the learned Single Judge. From the impugned order, it was crystal clear that there was no proper application of mind and the Deputy Commissioner, Panipat, without going into the merits of the case before it, decided it merely as per the directions of this Court contained in the order dated 20.05.2016 passed in CWP No.10127 of 2016. The pending litigation pertains to the status of Bhartiya Shiksha Parishad, Uttar Pradesh, vis-à-vis the University Grants Commission, New Delhi. The said Commission is only concerned with education at the University level and not at Matriculation level. Therefore, the pendency of said civil suit, which obviously, has reference to the graduation degrees etc. offered by the Bhartiya Shiksha Parishad, Uttar Pradesh, has no impact on the validity or*

*otherwise of the Matriculation certification in question. Otherwise also, there is no material to support this submission that every institution in the country which offers Matriculation Course would invariably have to be recognized by the Council of Boards of School Education. When the statutory provision merely require recognition by any Institution/Board, it was for the authorities concerned to verify, as a matter of fact, whether such recognition was conferred upon the institution which issued the Matriculation certificate. However, no such exercise was undertaken by the Deputy Commissioner, Panipat to ascertain whether Matriculation Certificate secured by the appellant from BhartiyaShikshaParishad, Uttar Pradesh, was recognized by any Board/Institution in the State of Uttar Pradesh or from elsewhere...”*

7. From the afore-said judicial pronouncements, it is clear that the disqualification envisaged under Section 175(v) of the 1994 Act, is attracted in case, the person aspiring to be a *Sarpanch or Panch* of a Gram Panchayat, has not passed matriculation examination or its equivalent examination from any recognized Institution/Board. The requirement of Section 175(v) of the 1994 Act, is whether the matriculation certificate put forth by a candidate is recognized by any Institution/Board. It is not necessary that such recognition must be by a local Board or Institution in the State of Haryana only. Even if the Matriculation certificate is recognized by any Institution/Board from any other State, it would serve the purpose.

8. In the instant case, it is apparent from the pleadings, the impugned orders as well as the short reply filed on behalf of the State that the petitioner has been non-suited only on the ground that the matriculation certificate produced by him, while contesting for the post of *Sarpanch*, has not been recognized by any institution/board in the State of Haryana whereas, as per the well settled legal position, the requirement was to see as

to whether the matriculation certificate produced by the petitioner, while contesting the election for the post of *Sarpanch* was recognized by any institution/board, not only in the State of Haryana but may be of any other State.

9. In view of the above discussion, in my considered opinion, the impugned order dated 30.01.2024 (Annexure P-10) passed by the learned Deputy Commissioner, Jind as well as order dated 21.02.2024 (Annexure P-11) passed by the learned Commissioner, Hisar Division, Hisar, are unsustainable in the eyes of law and the same are, accordingly, set aside. The writ petition is, accordingly, disposed of with a direction to the learned Deputy Commissioner, Jind to conduct a fresh enquiry into the complaint submitted against the petitioner as regards his educational qualification and to examine the issue as to whether the matriculation certificate produced by the petitioner, is recognized by any Institution/Board, may be of any other State as well. Let the afore-said enquiry be conducted in accordance with law after affording due opportunity of hearing to all concerned. It is further directed that the afore-said enquiry be completed within a period of three months from the date of receipt of certified copy of this order.

10. All pending applications (if any) shall also stand closed.

**August 22, 2025**  
gurpreet

**(HARSH BUNGER)**  
**JUDGE**

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