

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11440-2025 (O/M)
Date of decision : 11.11.2025

Khurshid Ahmed

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Rajat Dogra, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 08.04.2025 (Annexure P-7), passed by learned Commissioner, Faridabad Division, Faridabad (in short 'Divisional Commissioner'), whereby an appeal filed by respondent No. 6 (Smt. Sahana) against an order dated 01.02.2024 (Annexure P-6), removing her from the post of Sarpanch, has been allowed and respondent No. 6 has been reinstated to the post of Sarpanch of Gram Panchayat, village Siroli.

2. Briefly, petitioner (Khurshid Ahmed) is stated to be voter and permanent resident of village Siroli. He submitted a complaint against respondent No. 6 (Smt. Sahana, Ex-Sarpanch, Gram Panchayat village Siroli) alleging that respondent No. 6 does not possess minimum

educational qualification required for contesting the panchayat elections.

It was further alleged that the mark sheet of respondent No. 6 was not genuine.

2.1 It appears that the aforesaid complaint submitted by petitioner was marked for inquiry by Deputy Commissioner, Nuh to Sub Divisional Magistrate, Puhana, who submitted his report dated 27.03.2023 (Annexure P-3).

2.2 It transpires that learned Deputy Commissioner, Nuh sought further report from District Magistrate, Mathura as regards educational qualification of respondent No. 6 alongwith a request to produce the relevant documents.

2.3 The learned Deputy Commissioner, Nuh, vide order dated 01.02.2024 (Annexure P-6), removed respondent No. 6 from the post of Sarpanch by observing as under :-

Keeping in view in the interest of justice, the presiding officer again made correspondence with the District Magistrate, Mathura (U.P.), District Basic Education Officer, Mathura and the concerned school to produce the school records. But the original school records were not produced by the concerned school.

As it is known that despite several correspondences by the presiding officer, the original records were not presented by Premwal Junior High School, Mathura (U.P.) and in this regard, reports have been received in different ways from the District Basic Education Officer Mathura and Block Education Officer Raya District Mathura, Uttar Pradesh. But as per the instructions of the District Basic Education Officer Mathura, the office assistant of the Block Education Officer Raya District Mathura presented the original TC register and the investigation report in this regard.

On the basis of these reports, this office issued a notice through letter number 3659-61/ Panchayat dated 19.01.2024 giving an opportunity of personal hearing to Mrs. Sahana wife of Mr. Aqeel Ahmed Sarpanch Gram Panchayat Siroli and called her for personal hearing on 30.01.2024. On the scheduled date, Mrs. Sahana wife of Mr. Aqeel Ahmed, Sarpanch Gram Panchayat Siroli was heard in person. During the personal hearing, Smt. Sahana could not give satisfactory answers to the questions asked by the signatory to Mrs. Sahana nor could she tell the address of the said school. During the personal hearing, the District Basic Education Officer, Nuh and the Block Education Officer, Punhana, who were present, informed that the Sub-Education Officer, Punhana were authorized to personally obtain the original educational documents of Smt. Sahana, Smt. Faibida and Smt. Abida from District Mathura and he himself would go to the office of the District Basic Education Officer, Mathura (Uttar Pradesh) then they went to the office and Block Education Officer Punhana stayed there for 2 days but he was not supplied with any record.

Therefore, after personal hearing and from the bare perusal of the facts and documents on record, the District Basic Education Officer of Uttar Pradesh, as per the order issued, sent through his assistant, submitted the report wherein Mrs. Sahana's name was not located anywhere in the record and on the basis of the said investigation report/documents, considering the non-recognition of the Premwal Junior High School to be completely correct and considering the facts mentioned in the complaint against Smt. Sahana, the Block Education Officer of Punhana after a thorough examination of the facts mentioned in the complaint, reached the conclusion that the educational qualification attached by Mrs. Sahana, wife of Mr. Aqeel

Ahmed, in her nomination form for the election of the post of Sarpanch was completely false and was prepared by unrecognized school in a fraudulent manner and it is also a matter of concern that the non-submission of the record despite repeated correspondence by this office also proves that the said school is neither recognized nor there is any record related to the educational qualification of Mrs. Sahana. Apart from this, as per the investigation report of Block Education Officer, Raya, District Mathura, the said school is not present at the spot.

Therefore, as per the instructions issued by the State Election Commission Haryana Panchkula through letter No. SEC/4E-II/2022/5987 dated 18.11.2022, disqualifying Smt. Sahana wife of Shri Aqeel Ahmed, Sarpanch Gram Panchayat Siroli Block Punhana under Section 175(V) of the Haryana Panchayati Raj Act, 1994, exercising the powers conferred under Section 51 (3) (B) and (C), I remove Smt. Sahana from the post of Sarpanch Siroli and declare the post of Gram Panchayat Siroli Block Punhana vacant ”

2.4 Feeling aggrieved against order dated 01.02.2024 (Annexure P-6), respondent No. 6 preferred an appeal before learned Divisional Commissioner, which has been allowed, vide impugned order dated 08.04.2025 (Annexure P-7), whereby order dated 01.02.2024 (Annexure P-6) has been set aside and respondent No. 6 has been reinstated as Sarpanch of Gram Panchayat Siroli.

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court seeking relief(s), as noticed hereinabove.

4. Heard.

5. A perusal of order dated 01.02.2024 (Annexure P-6), passed by learned Deputy Commissioner, Nuh, removing respondent No. 6 from

the post of Sarpanch would show that the said order is based primarily on the fact that the original records in respect of certificates, relied upon by respondent No. 6, were not produced by concerned school/Basic Education Officer, Mathura.

5.1 On the other hand, on an appeal being filed by respondent No. 6, learned Divisional Commissioner got a fresh investigation conducted in the matter through Additional Deputy Commissioner, Nuh, who submitted his report and upon considering the same, learned Divisional Commissioner, vide impugned order dated 08.04.2025 (Annexure P-7), set aside order dated 01.02.2024 (Annexure P-6), whereby respondent No. 6 was removed from the post of Sarpanch and further directed her reinstatement. The relevant extract of order dated 08.04.2025 (Annexure P-7) reads as under :-

“After hearing the arguments of both the parties and carefully examining the order under appeal and the investigation report sent by the Additional Deputy Commissioner, Nuh to this court, it was found that during the hearing of the present appeal, two different reports of the investigation officer regarding the Class VIII pass transfer certificate of the appellant were brought to the notice of the presiding officer. Investigation report letter No. 603/E dated 27.03.2023 in which the transfer certificate letter of the appellant was considered fake and another investigation report letter No. 763/E dated 22.09.2023. In which the said transfer certificate was verified correctly by the investigation officer and the Sub-Divisional Officer (Civil), Punhana. Thus, as the result of both the investigations was found to be completely opposite, I also summoned the Sub-Divisional Officer (Civil), Punhana for discussion, but no concrete clarification was given. Thereafter, instructions

were issued to the Additional Deputy Commissioner, Nuh to investigate the matter. His investigation report was presented in this court vide letter number 1124 dated 20.02.2025 and letter number 3756/Panchayat dated 10.03.2025 of Deputy Commissioner, Nuh. The said investigation report was carried out on the following points:-

1. The educational certificate submitted by Smt. Sahana along with her nomination for the Panchayat elections is false and fake.
2. No record of the educational certificates of Smt. Sahana is available in the record register of the Block Education Officer, Ratha.
3. Prem Bal Junior High School has vide letter no. 2 dated 29.12.2022 termed the educational qualifications of Smt. Sahana as false and fake.
4. There is no such school under the name of Prem Bal Junior High School at the spot.
5. Prem Bal Junion High School is not a recognized nor is in the records.

Conclusion Point No. 1 and 2 :-

All the documents available in this regard were examined. From examining all the educational documents, it was found that the educational certificates attached by Mrs. Sahana with her nomination form were issued by Prem Bal Junior High School, Laxminagar, Mata Gali Nagar area, Mathura and were certified by the then Block Education Officer, Raya, Mathura and countersigned by the District Basic Educational Officer, Mathura. Prem Bal Junior High School, Laxminagar, Mata Gali Nagar area, Mathura informed through its letter dated 30.12.2022 that Mrs. Sahana had passed class VIII in the year 2013 and her record is entered in the School at S.R. No. 2254.

In this context, in FIR No. 30-P.D. Dated 07.04.2023 the Principal of said School Sh. Dinesh Chand Sharma joined the investigation with the record and got his statement recorded that date of birth of Smt. Sahana is 01.01.1996 and also stated that regarding studying in the school from 6th to 8th and passing the 8th class and leaving the school from her own will is entered at the S.R. No. 2254 in the school records.

Block Education Officer, Raya in his letter number 565 dated 08.11.2023 informed that the record of TC is not available in his office. Whereas District Basic Education Officer, Mathura vide letter number TC/410/2023-24 dated 13.04.2023 and B.E./12213-16/2023-24 dated 05.12.2023 has informed that educational certificate of Mrs. Sahana were certified by the present Block Education Officer, Raya, Mathura, and after entering Sahana name at Serial No. 249 of the TC register of this office the TC was countersigned.

To know the veracity of the said letters, he wrote to the District Basic Education Officer, Mathura, Uttar Pradesh vide letter Serial No. 282 dated 03.12.2024. In response to which, the District Education Officer, sent a letter numbered B.E./530-40 dated 07.01.2025 to the District Basic Education Officer, Raya which came to the office vide Basic Education/14800-04/2024-25 dated 04.02.2026, which were sent for verification.

And from the bare perusal of the above documents it is concluded that the educational certificate which Smt. Sahana has attached with her nomination is available and registered in the school records at SR number 2254 and is also available in the records of District Basic Education Officer, Mathura and after entering Sahana name at Serial No. 249 of the TC register of this office the TC was countersigned.

Thus, on the basis of the said certificate being mentioned in the records of Prem Wal Junior High School, Laxmi Nagar and the Principal verifying the certificate and sending the proof report and the District Basic Education Officer matching and verifying the said certificate with the attendance record and sending the verification report, the said educational certificate appears to be correct.

Point No. 3: -

In relation to the above, the Block Education Officer, Raya has informed through a written letter bearing Serial No. B.E./539-40/2024-25 dated 07.01.2025 relating to the veracity and verification of record of TC of Smt. Sahana D/O Sh. Sayed Ahmed regarding which the Principal of Prem Wal Junior High School, Laxmi Nagar Mathura has informed by way of written letter that earlier letter number 2 dated 29.12.2022 has been issued on the fake letter pad of the school which is false and baseless, thereafter vide letter issued by District Basic Education Officer, Mathura bearing Serial No. B.E./14860-64/2024-25 dated 04.02.2025, in relation to the verification of the record of TC issued to Smt. Sahana D/o Sh. Sayed Ahmed, the Block Education Officer, Raya has been informed vide the letter that the earlier letter number 2 dated 29.12.2022 has been issued on the fake letter pad of the school which is false and baseless.

Point No. 4: -

In continuation of the investigation of the above points, the District Basic Education Officer, Mathura vide letter no. B.E./17290 dated 23.03.2023 was perused in which two block level officers were authorized by him for joint investigation, in compliance of which the authorized Block Education Officer, Chaumuhon and Block Education Officer, Mot submitted their joint investigation report by letter no. investigation/14/2023-24 dated 10.04.2023 and stated that on 10.04.2023, they made site visit of Prem Bal Junior

High School, Laxmi Nagar, Mathura and matched the attached TC with the SR register. The entries in the photocopy of the attached TC were found to be correct in the SR register.

Therefore, the District Basic Education Officer constituted a committee of two Block Education Officers and conducted a site visit to the concerned school and submitted a joint investigation report vide letter number investigation/14/2023-24 dated 10.04.2023, and accordingly the allegations levelled in the above point are also not proved.

Point No. 5: -

In the course of investigation of the above point, the letter issued by the Basic Education Officer Mathura Uttar Pradesh bearing Serial No. Recognition 161-67 J.H.S./200 dated 04.04.2003 was perused vide which the recognition was granted to Prem Bal Junior High School, Laxmi Nagar Mathura, in the said letter no any time limit been imposed regarding the recognition of the school nor has the complainant presented any document regarding the cancellation of recognition of the said school.

Apart from this, the record of Prem Wal Junior High School, Laxmi Nagar, Mathura School was checked on the UDISE website and the record was found online.

In view of the above facts, the appeal of the appellant is accepted and the order under appeal is set aside as being contrary to the facts. The order has been pronounced. A copy of the order should be sent to the following officer along with the record so that the record is recorded as per the rules.

Dated 08.04.2025

*Sd/-
Sanjay Joon, IAS,
Commissioner,
Faridabad Division, Faridabad.”*

6. A perusal of the above extracted findings returned by learned Divisional Commissioner would show that upon consideration of the matter, it was concluded that the educational certificates attached by Smt. Sahana alongwith her nomination papers are available and registered in the school records and were also available in the records of Basic Education Officer, Mathura and even her name was mentioned at Sr. No. 249 of TC register of said office. It has been observed that the certificates produced by Smt. Sahana were mentioned in the records of Prem Wal Junior High School, Mathura and the Principal had verified the said certificates alongwith attendance record.

6.1 It has further come on record that initially, a report dated 07.01.2025 regarding veracity of transfer certificate in respect of Smt. Sahana was prepared on a fake letter pad of the school, which is false and baseless. It has also been found as a matter of fact that Prem Wal Junior High School, Mathura had been granted recognition, vide letter dated 04.04.2003, issued by Basic Education Officer, Mathura. Infact the records of Prem Wal Junior High School, Mathura, were checked on the UDISE website and record was found on-line.

6.2 The aforesaid observations/conclusions recorded by learned Divisional Commissioner have not been dislodged by learned counsel for petitioner by referring to any material whatsoever.

7. In view of the above, I find no merit in the instant civil writ petition and same is accordingly, dismissed.

8. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

11.11.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No