

251

2025.PHHC.174254



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

CWP-13231-2025

Date of Decision:12.12.2025

Suresh Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vishal Singh Borwal, Advocate
for the petitioner.

Mr. Abhimanyu Antil, DAG, Haryana.

Mr. Naveen S. Bhardwaj, Advocate with
Mr. Lokendra Singh, Advocate and
Mr. Arvind Bangar, Advocate for respondent No.5.

HARSH BUNGER J. (ORAL)

1. The instant writ petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of Certiorari for quashing/setting aside the impugned order dated 22.10.2024 (Annexure P-14) passed by learned Commissioner, Rohtak, Division Rohtak, Haryana (respondent No.2).

2. Briefly, respondent No.5-Rajesh Kumar was elected as Sarpanch of Gram Panchayat, Surpura kalan, Tehsil Loharu, District Bhiwani, in the Panchayat elections held in the State of Haryana in November 2022. It appears that petitioner submitted a complaint dated 16.12.2022 (Annexure P-2) against respondent No.5 - Rajesh Kumar alleging that respondent No.5 has misrepresented before the Election Authorities by giving his wrong date of birth

and even the matriculation certificate submitted by respondent No.5 at the time of filing of his nomination is a fake document. It transpires that on the basis of the aforesaid complaint, an enquiry was marked to the Sub Divisional Officer (Loharu), who submitted his enquiry report dated 06.02.2023 (Annexure P-3) indicating that the 10th class certificate submitted by respondent No.5 was not included in the equivalence list of Haryana Board; and that the date of birth mentioned in the said matriculation certificate was not matching with the date of birth claimed by the petitioner i.e. 15.10.1977.

3. Apparently, the learned Deputy Commissioner, Bhiwani, vide an order dated 05.02.2024 (Annexure P-11) had disposed of the complaint submitted by the petitioner by observing that an election petition titled as ***“Sube Singh Vs. Rajesh etc.*** was already pending before the Court of Additional Civil Judge (Senior Division), Loharu and the complaint submitted by the petitioner was adjourned sine die to await the decision of the civil Court.

3.1 In the meantime, the petitioner preferred a writ petition (CWP No.5957 of 2024) before this Court which came to be disposed of vide order dated 03.04.2024 (Annexure P-12) wherein, liberty was granted to the petitioner to submit a fresh representation before the Deputy Commissioner, Bhiwani; with a further direction to the Deputy Commissioner to decide the same expeditiously, in accordance with law.

3.2 Thereafter, learned Deputy Commissioner, Bhiwani passed an order dated 30.07.2024 (Annexure R-5/5) whereby, respondent No.5 was removed from the post of Sarpanch.

3.3 Feeling aggrieved, respondent No.5 preferred an appeal before the learned Commissioner, Rohtak Division, Rohtak which was decided vide the impugned order dated 22.10.2024 (Annexure P-14), whereby the order passed by

the Deputy Commissioner has been set aside.

4. In the aforementioned circumstances, the present writ petition has been filed before this Court, seeking relief(s) as noticed hereinabove.

5. Learned counsel for the petitioner *inter alia* refers to the following observations made by the learned Commissioner, Rohtak in the order dated 22.10.2024 (Annexure P-14), which reads as under:-

“First of all, I have analytically examined the points given by the appellant in the appeal and the order passed by the Deputy Commissioner, Bhiwani. Apart from this, after studying the records on the file, I have come to the conclusion that according to Section 175 (4) of the Haryana Panchayat Raj Act, it is mandatory for the appellant to have passed 10th from any institute and board and no conclusion has been given by the Deputy Commissioner and Sub Divisional Officer (Civil), Loharu regarding the authenticity of the certificate of the applicant presented by the appellant.

Accordingly, the present appeal is accepted as it is found to be strong, logical and based and the order of Deputy Commissioner, Bhiwani, page number 5340-45/Panchayat/PA dated 30.07.2024 is dismissed as it is found to be weak, illogical and baseless. After compliance of the file, the archives should be deposited.”

5.1 Learned counsel for the petitioner submits that once the learned Commissioner had concluded that the Deputy Commissioner had not arrived at any conclusion as regards the authenticity of the certificate of respondent no.5 or that respondent No.5 has passed matriculation from any institute/board; in that eventuality, the matter was required to be remanded to the Deputy Commissioner and simply on the basis of said observation, the order of the Deputy Commissioner could not have been set aside.

6. At this stage, learned counsel appearing for respondent No.5 has fairly conceded that in the given circumstances, the matter was required to be remanded to the learned Deputy Commissioner to decide the complaint submitted by the petitioner afresh after following due procedure and affording due opportunity of hearing to complainant as well as respondent No.5.

6.1 Learned counsel for the parties submit that they would have no objection if the orders passed by the Deputy Commissioner as well as the learned Commissioner are set aside and the matter is remanded to the learned Deputy Commissioner for deciding the complaint submitted by the petitioner against respondent No.5 afresh, in accordance with law.

7. Learned State counsel has also not opposed the aforesaid course being adopted.

8. Keeping in view the aforesaid broad consensus arrived at between the parties and considering the fact that the authorities below have not recorded any conclusive findings as regards the allegations made by the petitioner in his complaint, I deem it appropriate to dispose of the instant writ petition by remanding the matter back to the learned Deputy Commissioner, to consider and decide the complaint made by the petitioner afresh after giving due opportunity of hearing to the petitioner as well as respondent No.5 and by passing a speaking order, in accordance with law.

9. Parties are directed to appear before the Deputy Commissioner on 12.01.2026 or any other date as may be fixed by the Deputy Commissioner.

10. The present writ petition stands disposed of in aforesaid terms.

11. All pending application(s), if any, shall also stand closed.

12.12.2025

shruti

(HARSH BUNGER)

JUDGE

- | | | |
|------------------------------|---|--------|
| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable | : | Yes/No |