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

**CWP-15709-2024 (O&M)
Date of Decision: 22.08.2025**

Sabnam

....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, Additional A.G., Haryana.

Mr. Vineet Chaudhary, Advocate and
Mr. Sanyam Kshetarpal, Advocate
for respondent No.6.

HARSH BUNGER, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Certiorari for setting aside order dated 16.01.2024 (Annexure P-6) passed by the Deputy Commissioner, Gurugram, whereby the petitioner- Sabnam was removed from the post of Sarpanch of Gram Panchayat of Village Nunera, Tehsil Sohna, District Gurugram.

1.1 A further prayer has been made for setting aside order dated 26.06.2024 (Annexure P-8) passed by the learned Commissioner, Gurugram Division, Gurugram whereby an appeal filed by the petitioner against order dated 16.01.2024 (Annexure P-6) has been dismissed.

2. Briefly, the petitioner- Sabnam was elected as Sarpanch of

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Village Nunera in the elections held in the year 2022. Subsequently, respondent No.6 instituted an election petition and simultaneously she also filed a complaint before the District Authorities alleging that the educational certificates on the basis of which the petitioner contested the elections, were fake.

2.1 It transpires that upon filing of the aforesaid complaint before the District Authorities, respondent No.6 filed a writ petition before this Court bearing CWP No.28686-2022, which came to be disposed of by a Division Bench of this Court vide order 23.01.2023 (Annexure P-2), the relevant extract of which reads as under:

“Keeping in view the short reply by way of affidavit dated 19.01.2023 of Mr. Parmendra Singh, BDPO, Sohna—respondent no.6, wherein it has been mentioned that complaint of the petitioner has been forwarded by the Deputy Commissioner, Gurugram to the Sub Divisional Officer (Civil), Sohna for inquiry, we do not find any ground whatsoever to interfere in the matter, at this stage, while expecting that the inquiry shall be conducted expeditiously and final decision taken thereon by the competent authority in accordance with law.”

2.2 Thereafter, upon the complaint filed by respondent No.6 before the District Authorities, an enquiry was marked to the Sub Divisional Officer (Civil) Sohna who sought reports from the District Elementary Education Officer and also the District Education Officer, Dhanbad.

2.3 After considering the aforesaid reports, learned Sub Divisional Officer submitted his enquiry report dated 04.05.2023 (Annexure P-5) stating that the transfer certificate of the petitioner of 8th class and also the 10th class certificate, submitted by the petitioner, were fake.

2.4 Thereafter, it appears that the petitioner requested for a

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re-enquiry and the learned Deputy Commissioner, Gurugram on 12.06.2023, ordered a re-enquiry whereupon an enquiry report dated 27.10.2023 (Annexure R-4/1) was submitted observing that the certificate of 8th class attached by the petitioner along with her nomination form was not genuine and correct. Thereafter, a notice dated 14.11.2023 was issued to the petitioner and an opportunity of hearing was also afforded to the petitioner on 17.11.2023, however, the petitioner failed to submit the requisite material/evidence to prove that her educational certificates were genuine.

2.5 Accordingly, upon consideration of the matter, the Deputy Commissioner, Gurugram vide order dated 16.01.2024 (Annexure P-6), removed the petitioner from the post of Sarpanch.

2.6 Feeling aggrieved against the order dated 16.01.2024 (Annexure P-6), the petitioner preferred an appeal before the learned Commissioner, Gurugram Division, Gurugram, which has also been dismissed vide order dated 26.06.2024 (Annexure P-8).

3. In the aforementioned circumstances, the petitioner has filed the instant writ petition before this Court.

4. Heard.

5. Before considering the submissions made on behalf of the petitioner, it would be appropriate to refer to Section 175 (v) of the Haryana Panchayati Raj Act, 1994 (in short '1994 Act'), which reads as under:

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

(a) to (u) xxxx

(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

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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; or”

6. A perusal of the aforesaid provisions would indicate that the minimum educational qualification prescribed for contesting election to the post of Panch/Sarpanch is matriculation pass certificate and in case of a woman candidate or a candidate belonging to the Scheduled Caste, the minimum qualification is middle pass, whereas for a woman candidate belonging to Scheduled Caste, the minimum qualification is 5th pass.

7. In the present case, respondent No.6 submitted a complaint against the petitioner on the ground that the petitioner does not hold the minimum educational qualification and the certificates which have been attached by her in support of her eligibility on account of educational qualification, the same are fake/forged.

8. The complaint submitted against the petitioner was got inquired into from the Sub Divisional Officer (Civil) Sohna, who submitted his enquiry report dated 04.05.2023 (Annexure P-5), the relevant extract of which reads as under:

“After observing the reports received from District Education Officer Baghpat (Uttar Pradesh) and District Education Officer Dhanbad (Arkhand), the evidence provided by the complainant Moseen wife of Shaukat Ali and the questions/ answers asked by the undersigned to the newly elected Sarpanch Sabnam, the undersigned have come to the following conclusions:-

(i) Regarding the transfer certificate of class VIII issued by Shri Bhopal Singh Public Junior High School, Bhagot District, Baghpat (Uttar Pradesh).



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The transfer certificate of Class VIII attached with the nomination form of newly elected Sarpanch Sabnam wife of Mufid Khan, was personally inspected by the undersigned. Certificate issued by Shri Bhopal Singh Public Junior High School, Bhagot District Baghpat (Uttar Pradesh), which was found to be recorded at counter No. 113 of the countersigned register. While District Elementary Education Officer Baghpat (Uttar Pradesh) wrote in his report that above TC counter signed Register at Sr. No.113, the name of Sabnam is not there. From which it appears that the counter signatures on the said TC is fake. Apart from this, during the investigation, it is suspicious that Sabnam was not able to tell the name of any of one teacher who taught her in class 8 when asked.

(ii) Regarding the mark sheet of class 10th issued by Adarsh Vidyapeeth +2 Senior Secondary School, Malkera, Dhanbad (Jharkhand).

The mark sheet of class 10th attached with the nomination form of newly elected Sarpanch Sabnam wife Mufid Khan was personally inspected by the undersigned. District Education Officer, Dhanbad (Jharkhand) has clearly mentioned in its report that only one in the name of Adarsh Vidyapeeth +2 Senior Secondary School, Malkera, Dhanbad (Jharkhand) was found, which was found closed during inquiry. No records/documents/archives related to the school are available in the office of the Block Education Officer Baghmara (BRC). Apart from this, after perusal of the evidence related to the recognition of the Board (Council of Higher Secondary Education Delhi) provided by the complainant through RTI, which includes the list of invalid/ list of forged Board issued by Makhan Lal Charkoni National Journalism and Sandhar University, Bhopal and the decision of Bombay High Court in this regard dated 19.01.2018, it was found that the board from which newly elected Sarpanch Sabnam wife Mufid Khan has passed 10th class is invalid/fake.”

9. It appears that subsequently on the request of the petitioner, a

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re-enquiry was ordered, whereupon an enquiry report dated 27.10.2023 (Annexure R-4/1) was submitted, the relevant extract of which reads as under:

"In the earlier inquiry, for verification of these documents, a report was sought from the District Basic Education Officer, Baghpat, vide this office letter No. 203/MC dated 03-02-2023. In respect of which, District Basic Education Officer, Baghpat informed through its office letter No. B.C./21741-42/T.C./Verification/2022-23 dated 22-02-2023 that "In register of TC copy countersigned in the office of District Basic Education Officer, Baghpat, the name of Ms. Shabnam is not mentioned in Serial No. 113, which shows that the TC of Ms. Shabnam is not countersigned by the District Basic Education Officer, Baghpat Office." After perusing the report produced by District Basic Education Officer, Baghpat, the undersigned had come to the conclusion that the certificates attached by the respondent with the nomination were fake, whose report was earlier has been sent to you.

After this, the respondent presented only the certificate issued by the Principal of Shri Bhopal Singh Public Junior High School, Bhagot, Meerut, in relation to the documents related to the education qualification of class VIII. Regarding which the respondent was asked by undersigned to get the said certificate verified from the District Basic Education Officer, Bhagot, for which the respondent sought time. But, even after giving repeated opportunities, the verified certificate was not submitted. In continuation of the investigation, the Principal of Shri Bhopal Singh Public Junior High School, Bhagot was written to appear before the undersigned alongwith the relevant records regarding the authenticity of the certificate submitted by the respondent, in compliance of which the Principal was appeared before undersigned on 27-07-2023. The Principal recorded his statement before the undersigned in which stated that Kumari Shabnam was passed 8th class in the year 2003-04



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from Shri Bhopal Singh Public Junior High School, Bhagot, but the record of the year 2003-04 was destroyed due to termite. The Principal has stated in his writing statement that when the child admits in School, then the entry is made in S.R. Register at that time, in which Sr. No. 158 was inadvertently miss from S.R. Register, due to which, the name of Kumari Shabnam is mentioned at register No. 201. On asking from Principal, he told that generally one S.R. Register contains 100 pages, but after examining the S.R. register presented by him, it was found that in spite of 100 pages, there were 102 pages, out of which page no. 158 was missing. According to S.R. register, Kumari Sabanm obtained the transfer certificate on 07-07-2004, which is marked at register page no. 201, while other students obtained their transfer certificate after 2004, their names are mentioned before page no.201. It is suspicious that the name of Kumari Sabanm is not found in proper order. It appears that the said record has been tampered with. Therefore, after perusal of record produced by the Principal, it certainly does not prove that the certificates attached by the respondent with the nomination are genuine and correct.

Conclusion

Both the parties, Principal Shri Bhopal Singh Public Junior High School, Bhagot and after perusing the documents available on the file, the undersigned come to the conclusion that the authenticity report received from District Basic Education Officer, Baghpat and there is difference in the certificate produced by the respondent and the respondent not getting the certificate verified even after being given repeated opportunity to verify, creates a suspicious. Therefore, it is not certainly prove that the certificate of 8th class attached by the respondent Shabnam with the nomination are genuine and correct. Report is forwarded to you.”

10. Thereafter, the petitioner was afforded an opportunity of hearing by the Deputy Commissioner, Gurugram, however, the petitioner

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failed to substantiate/prove the genuineness/correctness of the certificate produced by her in support of her eligibility on account of educational qualification. Accordingly, the Deputy Commissioner, Gurugram vide order dated 16.01.2024 (Annexure P-6) removed the petitioner from the post of Sarpanch. Even the learned Commissioner, Gurugram Division, Gurugram has dismissed the appeal filed by the petitioner vide order dated 26.06.2024 (Annexure P-8).

11. Before this Court, learned counsel for the petitioner has failed to refer to any material/document so as to dislodge the observations made in the two enquiry reports referred hereinabove.

12. It is evident from the enquiry reports that the petitioner has not been able to prove the genuineness of neither the 8th class certificate nor the marksheet of 10th class as produced by the petitioner. Accordingly, since the petitioner has failed to show from any legally admissible document that the petitioner holds the minimum educational qualification i.e. middle pass from any recognized institution/board, no fault can be found with the orders passed by the Deputy Commissioner, Gurugram as well as the learned Commissioner, Gurugram Division, Gurugram.

13. At this stage, another submission has been raised by learned counsel for the petitioner that on the basis of the same allegations, respondent No.6 has also filed the election petition, which is still pending and therefore, the complaint filed by respondent No.6 before the District Authorities could not have been entertained under Section 51 of the 1994 Act and therefore the impugned orders are bad.

14. I have considered the aforesaid contention raised on behalf of the petitioner, however I do not find any merit in the same. No doubt, the



election petition has been filed by respondent No.6 challenging the election of the petitioner, however, on the basis of a complaint filed before the District Authorities, the matter has been enquired into and the petitioner had duly participated therein and also submitted documents to substantiate her claim.

14.1 The petitioner after having participated in the enquiry proceedings initiated against her under Section 51 of the 1994 Act and having suffered the adverse order and even the appeal filed by the petitioner having been dismissed, now the petitioner cannot be permitted to turn around and say that the proceedings initiated against the petitioner under Section 51 of the 1994 Act could not have been proceeded with in light of the fact that an election petition was also pending.

14.2 In my considered view, in case such objection as regards maintainability of proceedings under Section 51 of the 1994 Act; was to be raised, the same was required to be done at the very inception when the petitioner had received a notice from the District Authorities in the proceedings initiated under Section 51 of the 1994 Act; by approaching the Court of competent jurisdiction. Since, no such recourse was taken by the petitioner, therefore, the said contention raised on behalf of the petitioner is rejected.

15. Considering the totality of circumstances, I find no merit in the instant writ petition and the same is accordingly dismissed.

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