

2025:PHHC:086483



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

CWP-18955-2025 (O&M)

Date of decision : 16.07.2025

LAKSHMI @ LAXMI DEVI

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Gurmohan Singh Bedi, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, A.A.G., Haryana.

HARSH BUNGER, J. [ORAL]

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari* for setting aside the order 30.01.2025 (Annexure P-2) passed by the learned Deputy Commissioner, Karnal; whereby, the petitioner has been removed from the post of *Sarpanch* of Village Risalwa, Tehsil Assandh, District Karnal.

A further prayer has been made for setting aside the order dated 28.05.2025 (Annexure P-1) passed by the learned Commissioner, Karnal Division, Karnal; whereby, the appeal preferred by the petitioner against order dated 30.01.2025 (Annexure P-2) was dismissed.

2. Briefly, the petitioner contested the elections to the post of *Sarpanch* of Village Risalwa, Tehsil Assandh, District Karnal, which were held on 12.11.2022, wherein, she was elected as the *Sarpanch*. At the time of submitting her nomination papers, the petitioner submitted documents in support of her educational qualification i.e. Middle School (8th pass) as

according to Section 175(v) of the Haryana Panchayati Raj Act, 1994 (for short 'the 1994 Act'), the minimum qualification prescribed for women candidates and those belonging to the Scheduled Caste Category is Middle pass.

2.1 According to the petitioner, she had completed her 8th Class from 'Prem Baal Junior High School, Mathura, Uttar Pradesh' in the year 2003. Petitioner states that the afore-said school is recognized by the District Basic Education Officer, Mathura, as per its letter dated 04.04.2003 (Annexure P-3). Petitioner claims that she got admitted in the afore-said school vide admission letter dated 01.07.2000 (Annexure P-4) in the 6th Class and after completing her 8th Class, she left the school in the year 2003 and accordingly, she was issued a Transfer Certificate (Annexure P-5) and also the Marks Sheet dated 10.05.2003 (Annexure P-6).

3. It transpires that one Sh. Sanskar S/o Sh. Satbir (here-in-after referred to as 'the complainant') submitted a complaint against the petitioner alleging that petitioner is an un-educated lady and has never been to a School. It was further alleged that the petitioner in conspiracy with her husband namely, Sh. Dalip Singh and one Sh. Rajinder Singh, had prepared a forged transfer certificate from the Prem Baal Junior High School, Mathura, Uttar Pradesh. It was alleged that as per the information received by the complainant, vide letter dated 26.07.2024, under the Right to Information Act, 2005 from the District Basic Education Officer, Mathura; it was disclosed that the petitioner had not studied in the said school and neither any certificate was ever issued in the name of petitioner-Lakshmi.

3.1 It appears that on the basis of the complaint submitted by the complainant, a case FIR No.693 dated 24.09.2024 (Annexure P-9) was registered at Police Station, Assandh, District Karnal under Sections 406,

420, 467, 468, 471 of the Indian Penal Code; wherein, the petitioner has been granted bail vide order dated 28.10.2024, which was confirmed vide order dated 13.11.2024 (Annexure P-10).

3.2 It further appears that on the basis of a complaint moved before the Deputy Commissioner, Karnal, an enquiry was marked to the Sub-Divisional Officer (Civil), Assandh, who vide its report dated 10.12.2024 (Annexure P-12) recommended that the petitioner be removed from the post of *Sarpanch*.

3.3 Apparently, upon receipt of the afore-said enquiry report dated 10.11.2024 (Annexure P-12), a notice dated 03.01.2025 was issued to the petitioner providing her an opportunity of personal hearing and also putting forth her case. On 09.01.2025, the petitioner was personally heard by the learned Deputy Commissioner, Karnal.

3.4 Upon consideration of the matter, the learned Deputy Commissioner, Karnal, vide its order dated 30.01.2025 (Annexure P-2), came to the conclusion that the petitioner could not produce documents to substantiate her claim and it was held that the petitioner had contested the elections by preparing fake documents. Accordingly, learned Deputy Commissioner, Karnal, while exercising powers under Section 51(3) of the 1994 Act, ordered removal of the petitioner from the post of *Sarpanch* and further directed her to handover the records of the Gram Panchayat.

3.5 Feeling aggrieved against the order dated 30.01.2025 (Annexure P-2), the petitioner preferred an appeal before the learned Commissioner, Karnal Division, Karnal, which has also been dismissed vide order dated 28.05.2025 (Annexure P-1).

3.6 In the afore-mentioned circumstances, the present writ petition

has been filed before this Court, for seeking relief/s, as noticed here-in-above.

4. Heard.

5. In the present case, on a complaint moved by the complainant-Sh. Sansar against the petitioner alleging that the petitioner had contested the elections on the basis of fake educational certificates and that she had never been to the school, a case FIR No. No.693 dated 24.09.2024 (Annexure P-9) was registered against the petitioner and on the other hand, an enquiry was marked by the learned Deputy Commissioner, Karnal to the learned Sub-Divisional Officer, Assandh.

5.1 In the enquiry before the learned Sub-Divisional Officer, vide letter dated 08.08.2024, the petitioner was called to appear before the Enquiry Officer on 14.08.2024; however, the petitioner failed to appear. Thereafter, vide letter dated 02.09.2024, the petitioner was again asked to appear before the Enquiry Officer on 04.09.2024 and in pursuance of the same, the petitioner appeared before the Enquiry Officer and submitted her reply; wherein, it was stated that all documents submitted by her concerning her education were correct and if any of the documents are found to be fake, then she would be responsible and departmental proceedings may be taken against her.

5.2 It appears that in the enquiry proceedings, a report submitted by the Superintendent of Police, Karnal in the afore-said case FIR was also produced and also the order dated 13.11.2024 passed by the Additional Sessions Judge, Karnal; wherein, it was observed that the Investigating Officer had obtained the record from the School which confirms that the petitioner never studied in the concerned School.

5.3 It transpires that a copy of the 8th Class Certificate issued in favour of the petitioner by the afore-said school, was sent to the District Education Officer, Mathura (Uttar Pradesh) for its verification, whereupon it was reported that the Prem Baal Junior High School was granted provisional recognition since the year 2002-03 and till date, no application had been received from the afore-said school for extension of the afore-said provisional recognition, although, as per the instructions, such request is required to be made within five years. It was also reported upon Spot Inspection conducted 28.11.2024 that there was no Board of the afore-said school on the building, rather in the said building, presently a school by the name of Dr. Panni Lal Higher Secondary School was operating. Accordingly, the District Education Officer, Mathura concluded as under :-

“Prembal Junior School Lakshmi Nagar Mathura is misleading the department by providing different types of answers, which makes the role of the school seem doubtful. It is also to be informed that no record is being provided by them even after repeatedly asking during the telephone conversation. The undersigned also gives round-by-round answers to the teachers/staff regarding the on-site inspection of three things. They do not want to show and provide any kind of record which makes it clear that the involvement of the school and school staff in the issue of TC is also clear.”

5.4 In the Inquiry Report, the following points were highlighted :-

“1. The complainant has referred to the investigation report issued by the Deputy Commissioner Nuh along with the complaint, in which the documents of educational qualification inquired by the Deputy Commissioner Nuh issued by Prem Bal Junior High School, Lakshmi Nagar Mata Gali Nagarkshetra Mathura, Uttar Pradesh to three different Sarpanches of District Nuh have been declared fake.

2. Deputy Superintendent of Police, Asandh vide his office letter No.758/operator dated 14.10.2024 has apprised Superintendent of Police, Karnal regarding the complaint of Mr. Sansar Singh resident of Risalwa against Smt. Lakshmi Village Sarpanch Risalwa on which FIR No.0693 dated 24.09.2024 was registered in police station Arandh.

3. In the report sent to the undersigned office by the District Basic Education Officer Mathura through letter no.P.E. 11455/2024-25 dated 28.11.2024 it is mentioned that in reference to Smt. Lakshmi the school has sent reply through two letters and the concerned school is provisionally recognized from the year 2002-2003. After the ground inspection, the name of the school was not marked on the school building. At the time of on-site inspection, the staff gives round answers and no record is shown, it is written about the involvement of the school staff in the case of TC issuance.

4. Two replies were given by Prem Bal Junior High School Lakshmi Nagar Mata Gali Nagarkshetra Mathura, Uttar Pradesh to the Divisional Education Officer, Raya. Prem Bal Junior High School, Lakshmi Nagar, Mathura (U.P.) has written as letter bearing No.364/2024-25 dated 26.10.2024 to the Divisional Education Officer, Raya that Lakshmi daughter of Sri Tularam resident of Laxmi Nagar Yamunapar, Mathura has never been a student of his school. Regarding the reply addressed to the same letter by the school concerned, another letter which is undated and without the name of the principal, states that Lakshmi d/o Shri Tularam resident of Laxmi Nagar Yamunapar, Mathura has been a regular student of his school. Two separate suspicious letters have been issued by Prembal Junior High School, Laxminagar, Mathura, Uttar Pradesh, which are different from each other.

5. District Basic Education Officer, District Mathura (U.P.) vide his office letter Kamank Memo/RTI/Subject 24/39/4 dated 26.07.2024 has provided the

requested information to Mr. Sasan son of Mr. Satvir Singh Village Risalwa, District Karnal. In which it is clearly written that in the report of the Divisional Education Officer, Raya, Mathura, after physical verification of the school during the investigation, it is concluded that there is no record of Lakshmi daughter of Shri Tularam in Prembal Junior High School, Laxminagar Yamunapar Gathura and the girl is not recorded in the original records during verification at serial number 29.

6. *In the order dated 13.11.2024 of Hon'ble Rajnish Kumar, ASJ, Karnal, it is recorded that it has been confirmed from the records obtained from the school by the IO that Smt. Lakshmi has never attended the concerned school.*

7. *In the orders dated 12.09.2019 passed by the Hon'ble Election Tribunal Court, Ferozepur Jhirka, District Nuh, dealing with the election to the post of Sarpanch Gram Panchayat, Gohana Khand Nagiga, against Mrs. Bimlesh, who had attached the certificate of class 8th issued by Prembal Junior High School, Laxminagar, Mathura Uttar Pradesh as her educational qualification, wherein the Hon'ble Court has passed an order of removing the then Sarpanch Gram Panchayat Gohana from the post of Sarpanch.*

8. *Smt. Lakshmi Sarpanch appeared before the undersigned on 02.12.2024. After which Smt. Lakshmi was asked to write down her name, village name, school name on the paper. After which Smt. Lakshmi could not write the name of her village and the name of the school properly. When Smt. Lakshmi was given a newspaper to read and Hindi document, she could not read anything. Apart from Iraq, when Mrs. Lakshmi was asked to name any classmate or teacher in the school where she studied, she did not mention anyone."*

5.5 Ultimately, the inquiry report stated that the documents relating to educational qualification of the petitioner are completely fake and have been prepared by the unrecognized school.

5.6 Thereafter, the petitioner was afforded a personal hearing by the learned Deputy Commissioner and upon considering the matter, the learned Deputy Commissioner concluded that the petitioner had failed to produce any material/document so as to substantiate the educational qualification; accordingly, the petitioner was removed from the post of Sarpanch vide order dated 30.01.2025 (Annexure P-2). Even the appeal filed by the petitioner against her removal order has been dismissed vide order dated 28.05.2025 (Annexure P-1).

6. Before this Court, the petitioner has placed reliance upon Detailed Marks Card (Annexure P-6) of the petitioner, which reads as under :-

<i>Subject</i>	<i>September Exam Total</i>	<i>Marks obtained</i>	<i>Annual Exam Total</i>	<i>Marks obtained</i>	<i>Total</i>	<i>Marks obtained</i>	<i>Others</i>
1. Hindi	100	61	100	66	200	127	Present September
2. Maths	100	64	100	62	200	126	Present Annual
3.Social Science	100	62	100	61	200	123	Result Promoted/ Detained
4. English	100	64	100	63	200	127	Rank in Class
5. Sanskrit	100	61	100	64	200	125	Character Good
6. Science	100	66	100	60	200	126	Discipline
7. Art	100	63	100	62	200	122	
8. Health Science	100	62	100	60	200	125	
9. Moral Education	100	67	100	67	200	134	
10. Physical Education	100	68	100	63	200	131	
11.							
12.							
Total	1000	638	1000	628	2000	1266	

Date : 10.05.2003

Principal
SD/-
Prem Baal J.H. School Laxmi
Nagar, Mathura

6.1 From the afore-said Detailed Marks Card (Annexure P-6), it is revealed that the petitioner is shown to have secured above 60 marks in all the subjects; however when she was called before the Inquiry Officer on 02.12.2024 and asked to write her name, village name, school name on the paper, however, she was unable to do so. The petitioner was also asked to

read a Hindi newspaper, however, she could not read nor she could tell the name of any of her classmate or teacher.

6.2 Learned counsel for the petitioner has also failed to dislodge the aforesaid observations of Inquiry Officer rather he has very fairly stated that he had also asked the petitioner to read and write, however, the petitioner could not do so.

6.3 It is indeed surprising that a student who may have passed 8th Class with more than 60 marks in all subjects, is not even able to write her own name or school's name.

7. Be that as it may, in order to substantiate the educational qualification of the petitioner, no material was placed either before the Inquiry Officer or before the Deputy Commissioner or the learned Commissioner. Before this Court, learned counsel for the petitioner has placed reliance upon orders dated 08.04.2025 (Annexure P-16) and order dated 12.05.2025 (Annexure P-17) passed by the Commissioner, Faridabad Division Faridabad; wherein also, the elected candidates namely, Smt. Sahana and Smt. Fameeda had produced documents from the same school i.e. Prem Bal Junior High School, from which the petitioner also claims to have studied, to contend that the certificates produced by the petitioner are genuine.

8. I have gone through the afore-said orders dated 08.04.2025 (Annexure P-16) and 12.05.2025 (Annexure P-17), however, suffice it to say that the said cases have been decided by the learned Commissioner on the basis of evidence led in those cases and upon verification of records on the website of UDISE and also the authorities concerned, where the records were found. In the present case, no such or similar material has been placed

on record. Therefore, the petitioner cannot draw any benefit from the said documents.

9. Considering the totality of circumstances, I find no merit in this petition and the same is, accordingly, dismissed.

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

July 16, 2025
gurpreet

(HARSH BUNGER)
JUDGE

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