

2025:PHHC:085323



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

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**CWP-18942-2025
Date of decision: 10.07.2025**

RAM CHANDER

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Nipun Bhardwaj, Advocate and
Mr. Nikhil Ghai, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present writ petition is for setting aside of the order dated 14.01.2025 passed by the Commissioner, Ambala Division, Ambala, whereby the appeal filed against the order dated 06.03.2024 passed by the Deputy Commissioner, Kurukshetra, was dismissed.

2. Counsel for the petitioner submits that the petitioner is a resident of Village Bodha, Tehsil Pehowa, District Kurukshetra. He contested the elections for the post of Sarpanch to the Gram Panchayat, held pursuant to the Notification dated 28.09.2022 issued under Section 211 of



the Haryana Panchayati Raj Act, 1994 and was duly elected. It is further submitted that no objection of any nature was raised by the Returning Officer at the time of scrutiny and acceptance of the nomination papers. Subsequently, after the petitioner was elected as Sarpanch, respondent No.4, Gurdevi Puri, lodged a complaint alleging that the educational qualification certificate submitted by the petitioner, along with the nomination papers, was forged. The complaint was marked to the Sub Divisional Officer (Civil) for inquiry, who sought a report from the District Education Officer (DEO), Kurukshetra. The DEO, vide report dated 03.01.2024, informed that the educational qualification certificate submitted by the petitioner was not genuine.

3. Based on the aforesaid report a Show Cause Notice dated 29.01.2024 was served upon the petitioner calling upon him to appear for personal hearing on 07.02.2024. Due to his medical ailments, the petitioner was unable to appear but his son appeared in his place and submitted a medical certificate in support of the petitioner's bona fide incapacity to attend the proceedings. Thereafter, a second Show Cause Notice dated 09.02.2024 was issued, requiring the petitioner to appear for personal hearing on 29.02.2024, which was subsequently deferred to 01.03.2024 since respondent was struck in official duties. On 01.03.2024, the petitioner appeared along with his counsel and sought time to produce documents and evidence in support of his case. The matter was thus adjourned to 06.03.2024. However, on that date, the petitioner was again unwell due to



acute febrile illness and was hospitalized from 05.03.2024 to 07.03.2024 and hence unable to attend the hearing. His son submitted an application before the Deputy Commissioner, Kurukshetra, apprising the authority of the petitioner's medical condition and reasons for his absence, however, despite the aforesaid circumstances and medical evidence submitted, the Deputy Commissioner passed the impugned order dated 06.03.2024, removing the petitioner from the post of Sarpanch of Village Bodha, Tehsil Pehowa, District Kurukshetra.

4. Aggrieved by the aforesaid order, the petitioner preferred an appeal before the Divisional Commissioner, Ambala on 13.03.2024. The complainant also filed a reply to the said appeal. After hearing the parties, the Divisional Commissioner, Ambala dismissed the appeal by order dated 14.01.2025. Aggrieved of the said order(s), the petitioner has filed the instant writ petition.

5. Learned Counsel appearing on behalf of the petitioner has vehemently argued that the order dated 06.03.2024, whereby the Deputy Commissioner removed the petitioner from the elected post of Sarpanch, was passed without affording the petitioner an adequate opportunity to defend himself. It is submitted that the petitioner's representatives appeared on all scheduled dates, and the petitioner's absence on 06.03.2024 was solely due to his hospitalization on account of ill health, a fact which was duly communicated along with supporting medical certificates. Despite the same, the impugned order was passed, thereby denying the petitioner a fair



opportunity of hearing. Learned Counsel further contends that at the time of scrutiny of nomination papers, the Returning Officer did not raise any objection regarding the petitioner's educational qualification certificate, and thus, the finding by the respondent officials that the said certificate was not genuine was erroneous and without basis.

6. No other argument has been raised by the Counsel appearing on behalf of the petitioner .

7. I have heard the learned Counsel appearing on behalf of the petitioner at length and have gone through the documents appended alongwith the present writ petition.

8. Adverting to the second contention first, namely, the acceptance of the nomination papers by the Returning Officer, it is nowhere borne out from the record that the Returning Officer is required to verify validity of the documents before holding a person eligible. As per law, it needs no reiteration that a Returning Officer is not vested with the jurisdiction to conduct an enquiry into the genuineness or validity of the certificates submitted along with the nomination papers. Such an enquiry is to be conducted exclusively by the competent departmental authorities in accordance with the prescribed procedure. Therefore, mere acceptance of the nomination papers on a prima facie satisfaction of compliance with statutory requirements cannot be construed as conferring finality on the certificates submitted therewith. The authenticity or validity of such certificates remains open to scrutiny and challenge at any subsequent stage, as per law.



9. Undisputedly, upon a complaint lodged by respondent No.4, the Sub-Divisional Officer directed the District Education Officer to conduct an enquiry into the validity of the certificates submitted by the petitioner along with his nomination papers. The enquiry was specifically confined to the certificate appended by the petitioner, and pursuant thereto, the District Education Officer submitted a report stating that the 10th Standard Mark Sheet submitted by the petitioner at the time of election to the post of Sarpanch of Gram Panchayat, Bodha, was not genuine.

10. Upon receipt of the said enquiry report, the petitioner was afforded an opportunity of hearing, and the matter was taken up on four occasions. Save for one instance when the Court did not sit, the matter proceeded on three separate dates. Notably, the petitioner failed to adduce any evidence before the Deputy Commissioner to controvert the finding recorded by the District Education Officer regarding the validity of the certificate submitted by the petitioner. The operative part of the order passed by the Deputy Commissioner reads thus:-

“Keeping in view the report submitted by the investigation officer, an opportunity was provided to Sarpanch Shri Ramchandra son Shri Ajmer Puri Gram Panchayat Bodha Block Pehowa District Kurukshetra to present his side under Section 51 of Haryana Panchayati Raj Act 1994, by letter number 472/Election Clerk/Panchayat dated 29-01-2024 of this office, and Sarpanch Shri Ramchandra was given an opportunity for personal hearing on 07-02-2024 at 11-00 am to record



his statement along with all the documents/evidence. On the said date, Sarpanch Shri Ramchandra son Shri Ajmer Puri Gram Panchayat Bodha did not appear. But his son Shri Mangal Puri presented a medical certificate regarding the absence of Sarpanch Shri Ramchandra in this office. Keeping this in mind, a second notice was issued to appear on 16-02-2024 at 11-00 am to present his side again by letter number 831/Election Clerk/Panchayat dated 12-02-2024 of this office. On the said date, the medical certificate of Sarpanch Shri Ramchandra son Shri Ajmer Puri D Gram Panchayat Bodha was again received in this office. After which a third notice was issued to appear on 29-02-2024 at 11-00 am by letter number 994/Election Clerk/Panchayat dated 19-02-2024 of this office. In which Sarpanch Shri Ramchandra son Shri Ajmer Puri Gram Panchayat Bodha appeared with his advocate. But due to being busy in administrative work on the said date, the date of hearing was fixed as 01-03-2024. On 01-03-2024, Sarpanch Shri Ram Chander son of Shri Ajmer Puri Gram Panchayat Bodha appeared with his advocate. The advocate of the Sarpanch was informed that according to the investigation report of the Sub-Divisional Officer (Civil). Pehowa, in the recently held Panchayat Raj Institutions General Elections in the year 2022, Sarpanch Shri Ramchandra son of Shri Ajmer Puri Gram Panchayat Bodha had submitted the 10th class mark sheet at the time of his nomination. The result was checked online at <https://result.nios.ac.in>. But even online, no record was found pertaining to roll number 220006008734.



The advocate, while pleading the case of Sarpanch Shri Ramchandra, requested for time to present evidence. On the request made by the advocate, the date 06-03-2024 was fixed for personal hearing. In relation to which, a notice was given to appear on 06-03-2024 by letter number 1247/Election Clerk/Panchayat dated 01-03-2024 of this office. But on 06-03-2024, Sarpanch Shri Ramchandra son of Shri Ajmer Puri Gram Panchayat Bodha did not appear. Even after providing sufficient opportunity, Sarpanch Shri Ramchandra son of Shri Ajmer Puri Gram Panchayat Bodha and Pehowa District Kurukshetra could not produce any evidence to prove that the 10th class mark sheet attached by him with his nomination papers for the recently held Panchayat Raj Institutions general election in the year 2022 is correct.

I have heard both the parties and have perused the documents and records on file. After perusal it was found that Sarpanch Shri Ramchandra son of Shri Ajmer Puri of Gram Panchayat Bodha Block Pehowa District Kurukshetra could not prove the 10th class mark sheet attached with his nomination forian to be genuine. Keeping in view the documents on file, 1. Shantanu Sharma, IAS Deputy Commissioner, Kurukshetra, under the powers conferred by way of Section 51 of Haryana Panchayati Raj Act, 1994, pass an order to remove Shri Ramchandra son of Shri Ajmer Puri resident of village Bodha Block Pehowa District Kurukshetra from the post of Sarpanch with immediate effect.”

11. It is also prevalent that even an appeal, the petitioner did not append any document as would impeach the findings recorded by the



District Education Officer in his report dated 03.01.2024 to the Sub Divisional Officer or accepted by the Deputy Commissioner. While finally deciding the said appeal, the Divisional Commissioner recorded as under:-

“8. I have heard the arguments of the appellant and the learned advocate for the respondent and have also examined the appeal and have also studied and observed the documentary records, documents, evidences, facts and the impugned order of the lower court. From which it is clear that in the present case, only this fact is disputed that the appellant was not given a full opportunity to be heard before being removed from the post of Sarpanch of Gram Panchayat Bodha, whereas it is clear from the impugned order of the Deputy Commissioner that the appellant was given repeated opportunities to present his side, but he has failed to present any concrete evidence or record to prove educational qualification in his favor. Therefore, in these circumstances, I agree with the decision passed by the lower court, which is correct and just. In the present case, the court has passed the impugned order only after deliberating on all the facts and records, evidences, facts on record, in which there is no irregularity or error. The impugned order has been passed as per the law. The impugned order of the lower court is justified and logical, in which there is no justification for any kind of interference. The appellant has failed to present any concrete evidence or proof and record in his favor to prove the illegality of the orders of the lower court. Therefore, in these circumstances, the impugned order of the lower court dated 06.03.2024 is found to be



fundamental and logical and is upheld. The present appeal of the appellant is dismissed, finding it baseless and without proper evidence. One copy each of this order be sent to the Deputy Commissioner, Kurukshetra, Sub-Divisional Officer (Civil), Pehowa and Block Development and Panchayat Officer, Pehowa for compliance. Case be consigned to the record room. The order is passed and pronounced.”

12. It is thus evident from a perusal of the aforesaid order that the petitioner neither led any evidence nor placed any documents on record, including with the appeal, so as to impugn or discredit the specific findings of fact reported by the District Education Officer and recorded by the Deputy Commissioner. Furthermore, no documentary evidence has been filed even along with the instant writ petition to challenge the said findings contained in the report dated 03.01.2024 submitted by the District Education Officer. Consequently, it appears that the petitioner’s plea of denial of adequate opportunity is being employed merely as a strategy to delay final adjudication. In the absence of any *prima facie* material on record to impeach the conclusions arrived at by the authorities below, this Court finds no illegality, perversity or procedural impropriety in the impugned order. Accordingly, the writ petition is dismissed in *limine*.

(VINOD S. BHARDWAJ)
JUDGE

JULY 10, 2025
Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No