



**CM-6273-CWP-2026 in/and
CWP-9372-2026 (O&M)**

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

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**CM-6273-CWP-2026 in/and
CWP-9372-2026 (O&M)
Date of decision: 27.04.2026**

Manoj Kumar

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Kunal Dawar, Sr. Advocate assisted by
Mr. Saurav Bajaj, Advocate
for the petitioner.

Mr. Rajiv Malhotra, DAG, Haryana.

HARSH BUNGER J. (Oral)

1 Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari, for setting aside the order dated 05.02.2026 (Annexure P-18) passed by learned Deputy Commissioner, Sirsa, whereby the petitioner has been removed from the post of Sarpanch, Gram Panchayat of Village Chilkani Dhab, Tehsil and District Sirsa.

1.1 A further prayer has been made for setting aside the order dated 06.03.2026 (Annexure P-20) passed by learned Commissioner, Hisar Division, Hisar, whereby an appeal preferred by the petitioner against his removal order dated 05.02.2026 (Annexure P-18) has been dismissed.

2. Briefly, the petitioner (Manoj Kumar) was elected as a Sarpanch of Gram Panchayat Chilkani Dhab, Tehsil and District Sirsa, in the



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panchayat elections held in the State of Haryana on 12.11.2022 and thereafter, the petitioner took oath of the office of Sarpanch on 03.12.2022.

2.1 It appears that on a report being sought by the office of Block Development and Panchayat Officer (BDPO), Ellenabad, regarding 10th class marksheet of petitioner – Manoj Kumar; respondent No. 5-District Education Officer, Sirsa, issued a letter dated 09.12.2022 (Annexure P-2) observing that the Council of Open School Education, Rajasthan, was not recognized board and falls in the list of fake board/schools, therefore, the 10 class certificate of the petitioner is a fake.

2.2 Upon learning about the aforesaid letter dated 09.12.2022 (Annexure P-2), petitioner submitted a representation dated 13.12.2022 (Annexure P-7) to the learned Deputy Commissioner, Sirsa, explaining his position that he had appeared in the examination held in May, 2018 under Roll No. 10129493 and passed the said examination with second division and thereafter the migration certificate was issued on 22.08.2018. It was asserted that all the documents are fair and genuine, accordingly, the petitioner requested that proper verification of the documents be done before taking any adverse action against him.

2.3 Simultaneously, the petitioner also approached this Court by filing a writ petition (CWP-29725-2022) seeking setting aside of the letter dated 09.12.2022 (Annexure P-2), however, the same was dismissed as withdrawn, vide order dated 24.01.2023 (Annexure P-8) with liberty to the



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petitioner to take all the pleas in the proceedings that may be initiated against him.

2.4 It transpires that the learned Deputy Commissioner, Sirsa, vide order dated 26.07.2023 (Annexure P-9), removed the petitioner from the post of Sarpanch on the ground that the petitioner contested the election on the basis of fake educational certificate and, therefore, he was ineligible under Section 175 (v) of Haryana Panchayati Raj Act, 1994 (in short '1994 Act').

2.5 Feeling aggrieved against the order dated 26.07.2023 (Annexure P-9), the petitioner preferred an appeal before learned Divisional Commissioner, which was dismissed, vide order dated 15.12.2023 (Annexure P-15) by holding that the 10th class certificate presented by the petitioner at the time of filing his nomination papers was not from any recognized board.

2.6 Thereafter, the petitioner approached this Court by filing writ petition bearing CWP No.68 of 2024, which came to be disposed of vide order dated 30.04.2025 (Annexure P-17), the relevant extract thereof reads as under:-

“10. Apparently, in the absence of any finding that in May, 2018 when the Council of Open School Education, Rajasthan, had issued matriculation certificate to the petitioner, at that time also the said institute was a fake and/or the matriculation certificate put-forth by the petitioner is not recognized by any institution/board from any other State in India, the order dated 26.07.2023 (Annexure P-9), passed by learned Deputy



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Commissioner, Sirsa and order dated 15.12.2023 (Annexure P-15), passed by learned Divisional Commissioner, cannot be sustained and the same are hereby set aside.

11. The writ petition is accordingly disposed of with a direction to learned Deputy Commissioner, Sirsa to inquire into the complaint submitted against the petitioner on following two issues:-

(i) whether in May, 2018, when the matriculation certificate was issued to the petitioner, at that time, Council of Open School Education, Rajasthan was declared a fake institute; and

(ii) whether the matriculation certificate produced by the petitioner at the time of contesting election to the post of Sarpanch is recognized by any institution/board.

11.1 Let the aforesaid inquiry be got conducted by learned Deputy Commissioner, Sirsa in accordance with law after associating the petitioner and by affording due opportunity of hearing to all concerned parties and fresh orders be passed within a period of three months from the date of receipt of certified copy of this order.”

2.7 Thereafter, the matter was again taken up by the learned Deputy Commissioner, Sirsa. It appears that the learned Deputy Commissioner, sought a report from District Education Officer, Sirsa, who in turn submitted his report dated 25.07.2025, wherein, it was stated that the matriculation marksheet produced by the petitioner – Manoj Kumar, had no relation either with the Secondary Education Board, Rajasthan, Ajmer or with Rajasthan State Open School, Jaipur.

2.8 Thereafter, the petitioner – Manoj Kumar as well as the complainant were afforded an opportunity of personal hearing on 08.08.2025

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by the learned Deputy Commissioner, Sirsa, however, on the said date petitioner – Manoj Kumar sought an adjournment and the matter was fixed for 14.08.2025. On 14.08.2025, the matter was again adjourned for 01.09.2025 and then to 19.09.2025.

2.9 It appears that on 19.09.2025, the petitioner got his statement recorded that he had sought a list of fake boards of schools for the year 2018 from the Haryana School Education Board, Bhiwani, under the Right to Information Act, 2005, therefore, he requested for at least one month period so as to enable him to get all the certified documents. Considering the aforesaid request made on behalf of the petitioner, the learned Deputy Commissioner, postponed the hearing to 17.10.2025.

2.10 On 17.10.2025, the petitioner is stated to have submitted that as per the information provided under the RTI Act, the Council of Open School Education, Rajasthan, is not included in the list of fake boards/institutions for the year 2018.

2.11 Thereafter, learned Deputy Commissioner, Sirsa, upon considering the material available on record, especially the report dated 25.07.2025, submitted by District Education Officer, Sirsa, came to the conclusion that there is no evidence available on record to conclude that the educational qualification certificate of 10th class produced by the petitioner is correct, accordingly vide order dated 05.02.2026 (Annexure P-18), the petitioner was again removed from the post of Sarpanch, Gram Panchayat Village Chilkani Dhab, Tehsil and District Sirsa.



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3. Feeling dissatisfied, the petitioner preferred an appeal before the learned Commissioner, Hisar Division, Hisar, which came to be dismissed vide order dated 06.03.2026 (Annexure P-20).

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

5. At the outset, it is required to be noticed that the matter came up for hearing before this Court on 30.03.2026, however, on the said date, request for adjournment was made on behalf of the learned counsel appearing on behalf of the petitioner; accordingly, the matter was posted for 11.05.2026.

5.1 Thereafter, the petitioner filed an application (CM-6273-CWP-2026) seeking stay of the order dated 05.02.2026 (Annexure P-18) and order dated 06.03.2026 (Annexure P-20), primarily on the ground that the learned State Election Commissioner had issued a notification dated 13.04.2026, declaring bye-elections to the post of Sarpanch of Gram Panchayat Village Chilkani Dhab, Tehsil and District Sirsa.

5.2 Accordingly, on the oral request made by learned Senior Counsel appearing for the petitioner, the main writ petition, bearing ***CWP No.9372 of 2026***, which is otherwise fixed for 11.05.2026, ***is preponed and taken on board today for hearing.***

6. The solitary argument raised by learned Senior Counsel appearing for the petitioner is that in the earlier round of litigation, the

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petitioner had filed writ petition bearing CWP No.68 of 2024, which came to be disposed of vide order dated 30.04.2025 (Annexure P-17), wherein a direction was issued to the learned Deputy Commissioner, Sirsa, to inquire into the complaint submitted against the petitioner on the following two issues:-

- (i) whether in May, 2018, when the matriculation certificate was issued to the petitioner, at that time, Council of Open School Education, Rajasthan was declared a fake institute; and
- (ii) whether the matriculation certificate produced by the petitioner at the time of contesting election to the post of Sarpanch is recognized by any institution/board.

7. It is the contention of the learned Senior Counsel for the petitioner that, the petitioner had sought information under the RTI Act, which clearly depicts that in May 2018, when the matriculation certificate was issued to the petitioner, at that time, Council of Open School Education, Rajasthan, was not declared as a fake institute. Accordingly, it is submitted that the impugned orders be set aside.

8. Before dealing with the contention raised on behalf of the petitioner, it is apposite to note here that Section 175 of the 1994 Act, provides for disqualifications for a Sarpanch or a Member Panchayat and Clause (v) of Section 175 of the 1994 Act, provides that 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 has not passed matriculation examination or its equivalent examination from any recognized institution/Board.



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8.1 In my considered view, the burden of proof of holding a valid and genuine minimum educational qualification from a recognized board/institution, is always on the person who seeks constitutional advantages based upon such qualification. It is not part of duty of the State to disprove or its reverse.

9. Coming to the case in hand; learned Senior Counsel for the petitioner was called upon to show from any document/material/information under the RTI Act, that in May 2018, the Council of Open School Education, Rajasthan was not declared as a fake institute, however learned Senior Counsel for the petitioner has failed to refer to any such material.

9.1 Furthermore, learned Senior Counsel appearing for the petitioner has also failed to refer to any material which may *prima facie* show that the matriculation certificate produced by petitioner at the time of contesting election on the post of Sarpanch, was recognized by any institution/board in terms of Sub-Section (v) of Section 175 of 1994 Act. There is also nothing on record which may *prima facie* indicate that any steps were taken by the petitioner to examine anyone from the Council of Open School Education, Rajasthan, so as to satisfy the authorities below on the aforesaid two issues on which the matter was remanded by this Court vide order dated 30.04.2025 (Annexure P-17) passed by this Court in CWP No.68 of 2024.

10. Rather, learned Senior Counsel has very fairly conceded that the petitioner had not examined any person from the Council of Open School



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Education, Rajasthan, which may have proved that the said Council of Open School Education, Rajasthan, is recognized by any institution/board in India.

11. Having considered the matter; once the petitioner has failed to lead any evidence on the aforesaid two issues, upon which the matter was remanded to learned Deputy Commissioner, Sirsa, [in terms of order dated 30.04.2025 (Annexure P-17) passed in CWP No.68 of 2024]; I see no compelling reason which may require interference by this Court in the present proceedings.

12. At this stage, learned Senior Counsel for the petitioner submits that in fact no 'regular inquiry' has been conducted by the Authorities below in terms of Section 51(3) of the Haryana Panchayati Raj Act, 1994. In this regard, he places reliance upon the judgment rendered by Division Bench of this Court in case ***Suman vs State of Haryana, 2024(3) RCR(Civil) 287.***

13. I have considered the aforesaid contention raised on behalf of learned Senior counsel for the petitioner; however suffice it to say that the nature of enquiry envisaged under Section 51(3) of the 1994 Act, was examined by another Division Bench of this Court in case of "***Nisva @ Nisha Khatoon Vs. State of Haryana and others***", 2025(3) R.C.R. (Civil) 273, wherein the following findings were returned:-

"8. In terms of Section 51(3)(b) of the 1994 Act, a Sarpanch or a Panch can be removed from his office, if he was disqualified to be a Member of the Gram Panchayat at the time of his election.



8.1 As per sub-section 2 of Section 173 of the 1994 Act, every person, who has attained the age of 21 years and whose name is in the list of voters, shall unless disqualified under the 1994 Act or under any other law for the time being in force, be qualified to be elected from any Electoral Division.

9. Further, in terms of Section 51(3)(c) of the 1994 Act, a Sarpanch or a Panch can also be removed from his office, if he incurs any of the disqualifications mentioned in Section 175 after his election as member of the Gram Panchayat.

9.1 Section 175 of the 1994 Act, provides for disqualifications for a Sarpanch or a Member Panchayat and Clause (v) of Section 175 of the 1994 Act, provides that 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 has not passed matriculation examination or its equivalent examination from any recognized institution/Board. In terms of first proviso to Sub-Section (v) of Section 175 of the 1994 Act, it is provided that in case of a woman candidate or a candidate belonging to Scheduled Caste, the minimum qualification shall be middle pass.

10. Sub-section 3 of Section 51 of the 1994 Act, provides that before ordering removal of any Sarpanch or a Panch, the Director or the Deputy Commissioner concerned may, after such enquiry as he may deem fit and after giving an opportunity of being heard to the Sarpanch or a Panch (as the case may be), ask him to show cause against the action proposed to be taken against him. In other words, sub-section 3 of Section 51 of the 1994 Act, envisages the following actions before the Sarpanch or the Panch is removed from his office namely,

(i) an enquiry as may be deemed fit by the Director or the Deputy Commissioner concerned;



(ii) an opportunity of hearing to the Sarpanch or the Panch, as the case may be;

(iii) an opportunity to the said Sarpanch or Panch to show cause against the action proposed to be taken against him.

11. At the outset, we deem it appropriate to deal with the plea of the appellant that the enquiry envisaged under Section 51(3) of the 1994 Act, is required to be in the nature of a regular enquiry regarding which, he has placed reliance upon the judgment of Division Bench of this Court in **Suman v. State of Haryana, 2024(3) RCR (Civil) 287**.

11.1 We have gone through the above-referred judgment in the case of Suman (supra); however, we do not agree with the contention so raised on behalf of the appellant. A careful perusal of the above-referred judgment in Suman's case (supra), would show that the Division Bench of this Court held that the word "enquiry" as mentioned in Section 51(3) of the 1994 Act, requires to be an enquiry of quasi judicial in nature inasmuch as that the candidate, who has already been elected, must be given a fair and proper opportunity to cross-examine the witnesses and the documents produced. Therefore, a regular enquiry as may be envisaged under the Service Rules, is not contemplated under Section 51(3) of the 1994 Act. In our considered view, the enquiry in the nature of quasi-judicial would require association of the Sarpanch or the Panch (as the case may be) with the enquiry so as to enable such Sarpanch or the Panch, to put forth his claim and also afford him an opportunity to ask for cross-examination of witnesses or documents. In case, the Sarpanch or the Panch has been associated with the enquiry and sufficient opportunity was afforded to him to put forth his claim and/or to ask for cross-examination of witnesses or documents; in our considered view,



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that would suffice the requirements of a quasi judicial enquiry as envisaged under Section 51(3) of the 1994 Act.”

14. It is noticeable that the above-extracted judgment rendered by Division Bench of this Court in **Nisva @ Nisha Khatoon** (*supra*), was further challenged before the Hon’ble Supreme Court by way of Special Leave to Appeal (C) 14913 of 2025, which came to be dismissed by the Hon’ble Supreme Court of India vide order dated 21.05.2025.

15. Evidently, in the present matter, the petitioner was duly associated with the proceedings and the record reveals that due opportunity of hearing and also to lead evidence was duly provided to the petitioner, however, he failed to lead any substantial evidence/material in his favour that he holds valid/genuine matriculation certificate or its equivalent examination from any recognized institution/board in terms of Section 175(v) of 1994 Act.

15.1 Accordingly, the aforesaid contention raised on behalf of the learned Senior Counsel for the petitioner that no regular enquiry has conducted, is also rejected.

16. In view of the above discussion, instant writ petition fails and the same is accordingly **dismissed**.

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

(HARSH BUNGER)
JUDGE

27.04.2026
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No