

118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4131-2025 (O/M)

Date of decision : 17.07.2025

Rekha

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Akash Yadav, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Rekha) has filed the instant civil writ petition under Article 226 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 10.10.2024 (Annexure P-13), passed by Deputy Commissioner, Faridabad (in short 'Deputy Commissioner'), whereby the petitioner was removed from the post of Sarpanch of village Jasana, District Faridabad and also order dated 04.12.2024 (Annexure P-15), passed by learned Commissioner, Faridabad Division, Faridabad (in short 'Divisional Commissioner'), whereby the appeal preferred by the petitioner against order dated 10.10.2024 (Annexure P-13), was dismissed.

2. Briefly, the petitioner was elected as a Sarpanch of village Jasana on 25.11.2022. Respondent No. 5 (Seema) is stated to have submitted a complaint against the petitioner alleging that at the time of

contesting the panchayat elections, the petitioner had submitted false and fabricated documents as regards her educational qualification i.e. 8th class pass, which was minimum qualification required for a woman candidate in terms of proviso to Section 175 (1)(v) of Haryana Panchayati Raj Act, 1994 (in short '1994 Act').

2.1 On the basis of aforesaid complaint submitted by respondent No. 5 (Seema), an inquiry was got conducted.

2.2 It appears that on 05.12.2023, statement of petitioner was recorded to the following effect by the inquiry officer :-

“Statement of Smt. Rekha w/o Sh. Manohar r/o Village Jasana

It is deposed that I am a permanent resident of the above address. I was married to Mr. Manohar, resident of village Jasana in the year 2018. Since 2018, I am living in village Jasana with my husband Manohar. I have not passed class VIII. For the post of Sarpanch in Panchayat elections, the educational qualification required was to pass class VIII. On my request, my parents got my student register and transfer certificate prepared from Pandit Keshiram, Ishwari Prasad Inter College Khaira (Mathura) and sent it (register number 7780). I have not given the examination of the said class (8th). I have given this statement in full consciousness and without any pressure.”

2.3 Considering the material placed before it, the inquiry officer submitted report dated 22.04.2024 (Annexure P-7), the relevant extract of which reads as under :-

“ By sending photocopies of the three transfer certificates No. 7780, 7780 (B) and 7780 given by the complainant's husband Deepak along with his written statements, this office's letter No. 1160/Steno

dated 13.12.2023, Reminder-1 letter No. 11/Steno, dated 04.01.2024 and Reminder No. 2 letter No. 57/Steno dated 03.02.2024, it was written to the Block Education Officer, District Chhata, District Mathura, to send a report about the genuineness of the said transfer certificates registered number 7780, 7780 (B) and 7780. All the above letters were sent to the Block Education Officer, District Chhata, District Mathura by registered post, one copy of which was also sent to the District Basic Education Officer, Mathura. But no report was received in this office about the above from the Block Education Officer, District Chhata, District Mathura.

Thereafter, the information received under the letter number V.Shi./17472-73/2023-24 dated 24.02.2024 of District Basic Education Officer, Mathura, in which it was written that "Transfer Certificate 7780, 7780 (B), 7780 sent by our office, issued by Keshiram Ishwari Prasad Inter College Khaira Chhata, Mathura and countersigned by District School Inspector, Mathura. The said Inter College does not come under the jurisdiction of the undersigned but comes under the jurisdiction of District School Inspector, Mathura and Transfer Certificate No. 7780, 7780 (B) and 7780 have been countersigned by him. Therefore, you are requested to get the authenticity of the said Transfer Certificate checked by District School Inspector, Mathura."

In reference to the above letter, the District School Inspector, Mathura was sent a letter No. 87/Steno dated 28.02.2024 of this office (registered letter) regarding the authenticity of the above three transfer certificates.

Regarding the above, the Block Education Officer Chhata has sent a report to this office under his office letter number B.E./T.C. Verification/1610-12/2024-25, dated 06.04.2024 (copy attached), in which it is written that according to the report provided to this office by the

Manager/Principal of Pandit Keshiram Ishwari Prasad Inter College, Khaira Development Block Chhata Mathura, no child named Rekha, father's name Shri Banto, mother's name-Smt. Santo, address-Village Loharwari, Govardhan is enrolled in the school nor has she taken education from the school earlier. Hence the Transfer Certificate is completely fake. As per school records, Radha Sharma, father's name-Shri Ramakant Sharma, mother's name- Smt. Lakshmi Devi, address- Chhata Mathura is mentioned on serial number 7780.

After examining the above statements and the documents received on the file, the facts that have come to light are that according to the letter number B.E./T.C. Verification/1610-12/2024-25, dated 06.04.2024 of the Block Education Officer Chhata, the transfer certificate number 7780 presented by Smt. Rekha wife of Shri Manohar resident of village Jasana sub-tehsil Tigaon, District Faridabad was completely fake.

Hence the report is sent to your service for information and further action.”

2.4 Thereafter, show cause notice dated 30.04.2024 (Annexure P-8) was issued to the petitioner, to which the petitioner submitted her reply and thereafter, an opportunity of personal hearing was afforded to the petitioner on 18.06.2024, however, she did not appear for personal hearing and rather her husband (Manohar) appeared in the office, accordingly, the matter was fixed for 05.07.2024 for personal hearing of the petitioner. Again on the adjourned date i.e. 05.07.2024, petitioner did not appear and submitted an application alongwith her medical requesting for another date, whereupon the matter was fixed for 12.07.2024 when the petitioner came present and the matter was

adjourned to 19.07.2024 and on the said date i.e. 19.07.2024, the petitioner submitted her reply.

2.5 Upon considering the matter, Deputy Commissioner, vide order dated 10.10.2024 (Annexure P-13), removed the petitioner from the post of Sarpanch of village Jasana.

2.6 Feeling aggrieved against her removal order, the petitioner preferred an appeal before learned Divisional Commissioner, however, same was dismissed, vide order dated 04.12.2024 (Annexure P-15).

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition before this Court for the relief (s), as noticed hereinabove.

4. Heard.

5. During the course of hearing of this petition on 07.05.2025, learned counsel for petitioner sought adjournment for placing on record copy of nomination form, filled by the petitioner.

6. Today, learned counsel for petitioner has made a statement that the petitioner has not supplied copy of her nomination form, filled by her and in the meanwhile, new Sarpanch already stands elected for village Jasana. He further submits that appropriate orders be passed as he has no further instructions.

7. Having considered the matter, I am of the considered view that once the petitioner has herself admitted during the enquiry that she has not given examination of class 8th, which is the minimum educational qualification for a woman candidate to contest election for Sarpanch under 1994 Act; no fault can be found with the order dated 10.10.2024

(Annexure P-13), passed by learned Collector, Faridabad, whereby petitioner was removed from post of Sarpanch of village Jasana. Learned Collector's order has been further affirmed by learned Divisional Commissioner, vide order dated 04.12.2024 (Annexure P-15).

8. Resultantly, instant writ petition fails and the same is accordingly dismissed.

9. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

17.07.2025

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No