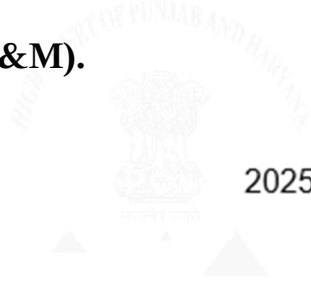




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**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.**

105

**CWP-5700-2025 (O&M).
Date of Decision: 11.03.2025.**

SAHIL AND OTHERS

... Petitioners

Versus

**STAFF SELECTION COMMISSION NORTH WESTERN REGION
AND OTHERS**

... Respondent(s)

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

PRESENT Mr. Sukesh Kumar Jindal, Advocate, in Court with
Ms. Vriti Gujral, Advocate,
(Through Video Conference)
for the petitioner.

Mr. Indresh Goel, Senior Panel Counsel,
for respondents No.1 to 3.

Ms. Tanisha Peshawaria, DAG, Haryana,
for respondent No.4.

None for respondent No.5.



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**VINOD S. BHARDWAJ, J (ORAL).**

The present petition has been filed for seeking quashing of the show cause notice dated 08.01.2025 (Annexure P-3) and the debarment order dated 27.01.2025 (Annexure P-4) passed by respondent No.2-Assistant Director, Staff Selection Commission, North West Region, Chandigarh, whereby the petitioners have been debarred for a period of three years alleging the same to be illegal and erroneous.

2 The matter was initially heard on 28.02.2025, when pursuant to queries posed, counsel for the petitioners had sought time to seek instructions.

3 On the resumed hearing, counsel for the petitioners submits that she has instructions to seek withdrawal of the instant writ petition.

4 The prayer is accepted. The present writ petition is disposed of as withdrawn.

5 However, this Court has noticed that the candidature of the petitioners was rejected and the debarment order was passed on the ground that the certificates regarding physical limitations produced by the petitioners have been purportedly issued by the office of Chief Medical Officer-cum-Civil Surgeon, Jind and Fatehpur in U.P. notwithstanding that none of the petitioners is a resident of the respective District wherefrom the certificate has been issued.

6 So far as petitioner No.1-Sahil is concerned, he is a resident of District Sonipat but the certificate has been obtained from the office of Civil

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Surgeon Jind; petitioner No.2-Suraj who is a resident of Kaithal, has produced the certificate from the Chief Medical Officer, Fatehpur in U.P.; petitioner No.3-Vijay Kumar again belongs to Sonipat but the certificate pertains to Fatehpur in U.P.; petitioner No.4-Devender Mor is again a resident of Sonipat who has produced the certificate issued by the Chief Medical Officer, Fatehpur in U.P.; Arjun-petitioner No.5, a resident of Sonipat has produced the certificate issued by Chief Medical Officer, Fatehpur in U.P. and Parveen-petitioner No.6 has produced the certificate issued by the Chief Medical Officer, Jind. Hence, four of the petitioners incidentally all belonging to Sonipat other than petitioner No.2-Suraj who is a resident of Kaithal, have obtained the certificates regarding physical limitations to write from the office of CMO, Fatehpur, while the other two residents have obtained similar certificates from CMO, Jind.

7 On the basis of aforesaid certificates, the petitioners were allowed compensatory time and facility of a scribe to write the exam. Eventually, on verification, it was apprised by the concerned issuing Authority that the certificates have not been issued by their offices. The petitioners were thus found guilty of mis-conduct and in terms of Point No.5, they were debarred for a period of three years. Communication regarding the debarment orders was also sent to the concerned Superintendent of Police, for taking respective action, however, it seems that no action has been taken.

8 This Court notices that at a first juncture, the respondent authority was not required to send a communication to the Superintendent of

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Police concerned, where the petitioners reside, however, the criminal proceedings for submission of forged/fabricated documents could have been also initiated within the local territorial jurisdiction as well. Notwithstanding that the authorities had submitted a report denying issuance of such certificates of physical limitations, yet the petitioners displayed an audacity to append yet another set of fabricated documents purportedly denying the verification report and claiming that the same was wrong. When this Court confronted the counsel for the petitioners that it intends to get an investigation conducted into the same and also with respect to the submission of the subsequent documents, counsel for the petitioners sought to withdraw the instant writ petition. The inference which thus flows is that despite the petitioners being conscious of the documents being forged, they not only made an attempt to defeat the rights of other contesting candidates by placing reliance upon forged certificates but also showed an audacity to emphatically rely upon forged certificates for claiming a right and portraying victimization. Prima facie, the petitioners are violators of law and have sought preferential treatment against the competing candidates by not only seeking a scribe but also claiming extra time to write in the exam on the basis of documents which were prima facie forged. The mere striking co-incidence of all persons belonging to a particular district securing the certificates from another State itself is sufficient to raise a doubt.

9 The tendency of candidates taking recourse to illegal methods including forgery of certificates for seeking different benefits including the

cost of the project was more than Rs. 5 crores, prior Environment Clearance was required to be obtained from the MoEF&CC- Respondent No.1; (6) The Project Proponent has committed fraud while constructing a deep basement of about 6 metres below the ground level, thereby extracting substantial minor minerals and ground water, which activities are prohibited in all the 3 Coastal Regulation Zone Notifications; (7) The Project Proponent perpetrated a fraud, while constructing 12 number of 1-Bedroom-Hall-Kitchen flats for mass housing and merged them all later into a super luxury single-family accommodation, in violation of the provision of Urban Land (Ceiling and Regulation) Act, 1976; (8) 'Heritage Areas' lie in CRZ-I as per the CRZ Notification of 1991, therefore, the impugned construction, which was done in the year 2004, could not have been permitted in CRZ-I area; and (9) the Project Proponent is an Artist and has got the Art Gallery reservation removed illegally.

2. Having heard the argument of learned counsel for the appellant, we are of the view that the grounds, which have been raised by him in the present appeal, do not appear to be relevant because whatever actions have been taken by the Project Proponent, were taken long back between the year 2000 to 2006. But it is also true that the CRZ recommendation, which has been impugned herein, is obtained in the year 2025 i.e. on 03.01.2025. Therefore, the present appeal has been filed within 30 days' limitation period. But we find that the grounds, on which the said CRZ recommendation has been challenged, are not proper because the CRZ Clearance, which has been granted, appears to have been granted in terms of the Clause No.8 of the CRZ Notification 2019, which provides as follows:-

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benefit of reservation, sports gradation and disability etc. is on leaping increase. The candidates have been emboldened in taking recourse to forged documents for securing public appointment by a belief that under any eventuality, no harsh action shall be taken against them in case they feel sorry or they withdraw their petition.

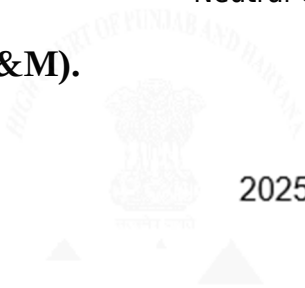
10 I find that an approach to condone such behaviour which promotes disregard to rule of law and motivates a candidate to resort to forgery of documents to defeat the rights of other genuine candidates needs to be dealt with sternly. This Court thus directs the respondent-Staff Selection Commission – North West Region, Sector 9, Chandigarh, to report all such cases of forgery of documents to the office of Senior Superintendent of Police, U.T. Chandigarh, who is further directed to take appropriate steps in accordance with the Bharatiya Nagarik Suraksha Sanhita, 2023. Further, since certificates have also been produced which are claimed to have been issued by the office of Civil Surgeon, Jind, State of Haryana through Additional Chief Secretary Home is added as respondent No.4 and a further direction is issued to the State Vigilance Bureau, Haryana, to conduct an inquiry into the issuance of certificates and to submit a report before this Court. The Senior Superintendent of Police, U.T. Chandigarh, through Home Secretary, Chandigarh is added as respondent No.5.

11 The office of the Senior Superintendent of Police, U.T. Chandigarh, as well as the State Vigilance Bureau are directed to submit their



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respective reports before this Court within a period of 03 months of the receipt of a copy of this order.

12 A copy of the order be given to the learned State counsel under the signatures of Bench Secretary.

March 11, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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