

**HIGH COURT OF JAMMU AND KASHMIR AND LADAKH
AT JAMMU**

CPSW No. 120/2019
CM No. 2253/2022
c/w
CPSW No. 586/2017
CCP(S) No. 74/2021

Shagufta Khursheed and another

....Petitioner/Appellant(s)

Through :- Mr. R.K.S. Thakur, Advocate

V/s

Basharat Hussain and others

....Respondent(s)

Through :- Mr. Suraj Singh, GA

Coram:HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

CPSW No. 120/2019.

01. In the present contempt petition two petitioners, namely, Ms. Shagufta Khursheed and Ms. Naseema are seeking initiation of contempt proceedings against the respondents with respect to the compliance of judgment dated 15.03.2017 passed in SWP No. 63/2010.

02. In terms of an order dated 03.12.2021 the compliance of judgment dated 15.03.2017 passed in SWP No. 63/2010 was required to be carried out in letter and spirit and the compliance report in that regard was called for. The compliance report dated 15.02.2022 filed by the CDPO, Banihal came to be submitted on 18.02.2022.

03. From the perusal of said compliance report, it is borne out that with respect to the petitioner no. 1, an exercise for verification of the mark sheet has been forwarded vide letter dated 05.01.2022 to the J&K Board of School

Education, upon receiving which, the case of the petitioner no. 1 is to be considered for filing the compliance of the judgment dated 15.03.2017 in SWP No. 63/2010.

04. In so far as to the case of petitioner no. 2, it has been reported in the said compliance report that her case was rejected on account of alleged tampering in the marks certificate. The fact of alleged tampering is reported to have been verified from High School Banihal by reference to a communication dated 21.12.2021. The alleged fact of tampering of marks sheet is being drawn from the communication dated 24.12.2021 of the Headmaster Government High School, Hinjhal Zone Banihal.

05. A perusal of the said communication dated 24.12.2021 reflects that the mark sheet with respect to which the observation of being fake and not issued by the Office of Headmaster, Government High School, Hinjhal Banihal is dated 18.10.2016 and the result of Class 8th is of the year 2000. The selection advertisement under which the petitioner No. 2 had submitted her application is of the April, 2008, and in the writ petition bearing SWP No. 63/2010, the petitioner no. 2 herein was figuring at S. No. 12. Thus, *prima facie* it appears that the alleged marks certificate dated 18.10.2016 may not be attributable to the petitioner no. 2. The petitioner no. 2 in response to the compliance report wherein her bonafide has been questioned, responded that the petitioner no. 2 has never submitted the alleged so called marks sheet dated 18.10.2016 to any authority/officer.

06. In support of the supplementary affidavit the petitioner no. 2 has annexed the mark sheet of Government High School, Hinjhal, Banihal freshly issued on 02.02.2022 by the Headmaster, Government High School, Duligam, Banihal. The said marks certificate is of the petitioner no. 2 with respect to the fact of her passing Class 8th in the Session 1999-2000 bearing Roll no. 010440.

07. If the present Headmaster of High School, Duligam, Banihalis coming forward with issuance of marks certificate in favour of the petitioner no. 2 about her passing of Class 8th examination, then it is a matter of concern to be explained by the respondents as to how the alleged mark certificate dated 18.10.2016 was procured and from which record of the concerned School before being forwarded for verification.

08. Keeping in view the aforesaid facts and circumstances, it is hereby ordered that with respect to verification exercise in currency regarding the petitioner no. 1's marks sheet from the J&K Board of School Education sought by respondent no. 2 i.e., CDPO Banihal in terms of his letter dated 05.01.2022, the J&K Board of School Education, Jammu shall furnish verification within a period of two weeks from the date of service of this order to the Secretary, J&K Board of School Education. Learned counsel for the petitioner no. 1 is directed to procure copy of this order for service unto the Secretary, J&K Board of School Education for compliance.

09. With respect to the case of the petitioner no. 2, the respondent no. 2 is directed to seek verification of the mark sheet submitted by the petitioner no. 2 along with her supplementary affidavit. This verification shall be by the petitioner no. 2 from the office of the Principal Government, High School, Hinghal Banihal by forwarding copy of said marksheet within a period of four weeks and submit the compliance report.

10. This matter be delinked from CPSW No. 586/2017 and CCP(S) No. 586/202.

11. List on 30.06.2022 separately.

CPSW No. 586/2017

In terms of previous order on the file dated 29.03.2022 whereby the respondents were called upon to comply with the judgment dated 15.03.2017 in letter and spirit, the respondents were, in fact put on a clear caveat that they have not complied with the aforesaid judgment.

As Mr. Suraj Singh, learned GA, has made his first appearance in the present contempt petition, so four weeks time is afforded to him in the matter to report back about the status of the compliance of the judgment in reference.

List on 06.07.2022.

CCP(S) No. 74/2021

Learned counsel for the petitioner submits that he intends to file a supplementary affidavit. Four weeks time is granted for doing the needful.

List on 06.07.2022.

(Rahul Bharti)
Judge

Jammu:
31.05.2022
Angita