

**HIGH COURT OF UTTARAKHAND AT NAINITAL****HON'BLE SRI JUSTICE MANOJ KUMAR TIWARI****Writ Petition Misc. Single No. 2803 of 2024****30 June, 2026**

Smt. Neelam Devi

--Petitioner

Versus

State of Uttarakhand & others

--Respondents

Presence:-

Mr. Pramod Bailwal & Mr. Bharat Singh, Advocates for the petitioner.

Mr. N.K. Papnoi, Standing Counsel for the State of Uttarakhand.

Mr. Pradeep Kumar Chauhan, Advocate for the intervener.
-----**JUDGMENT**

Petitioner was elected as Pradhan, Gram Panchayat Khelpur Nasrullapur, Block Bhagwanpur, District Haridwar in the last election held on 26.09.2022. A complaint was thereafter made against her that in the nomination papers, she claimed to have passed 8th standard from a particular school situate in District Gazipur (Uttar Pradesh), while there is no such school in existence in the place indicated in the nomination papers.

2. The Prescribed Authority/ Sub Divisional Magistrate, Bhagwanpur (Haridwar) took cognizance of the complaint and ordered for an inquiry. District Panchayat Raj Officer, Haridwar submitted inquiry report, in which, he relied upon a letter received from



Assistant Director of Education (Basic), Varanasi Region (U.P.), in which it was mentioned that the institution named by petitioner in her nomination papers does not exist.

3. The Prescribed Authority/Sub Divisional Magistrate, Bhagwanpur (Haridwar) thereafter issued show cause notice to petitioner, on 06.10.2023. After considering her reply, Prescribed Authority declared the petitioner as disqualified to be appointed as Pradhan under Section 8(1) (q) of Uttarakhand Panchayati Raj Act, 2016 and order of removal was thereafter passed by the competent authority.

4. Learned counsel for the petitioner submits that petitioner passed 8th standard from Sri Bichhudan Nath High School Faridhan, Khanpur, District Gazipur (Uttar Pradesh), while the letter issued by Regional Assistant Director of Education (Basic), Varanasi refers to some other school, namely-Bihudan Nath Uppar Primary School Faridhan, Khanpur, Gazipur. Thus, it is contended that the information supplied by Assistant Director of Education (Basic) Varanasi cannot be relied on for disqualifying the petitioner on the ground of lack of educational qualification.



5. Learned counsel for the petitioner refers to a document enclosed as Annexure-9 to the writ petition, which is a letter issued on 07.05.2023 by Manager of Sri Bichhudan Nath Mahadev Uchttar Madhyamik Vidyalaya, Faridhan, Khanpur, Gazipur. In para 3 of the said letter, it is mentioned that petitioner passed 8th standard from Junior High School, Faridhan, Khanpur, Gazipur in the year 1994-95. In para nos. 1 & 2 of the said document, it is mentioned that classes between 6th to 8th standard are run in Junior High School Faridhan, Khanpur Gazipur; while, 9th and 10th classes are run in Sri Bichhudan Nath Mahadev Uchhtar Madhyamik Vidyalaya Faridhan, Khanpur, Gazipur and both the institutions are running from the same campus. It is mentioned in para 4 of the said letter that due to clerical mistake, name of the institution was wrongly mentioned as Sri Bichhudan Nath Mahadev Uchhtar Madhyamik Vidyalaya in place of Junior High School Faridhan, Khanpur, Gazipur.

6. Learned State Counsel submits that this letter issued on 07.05.2023 does not support the stand of the petitioner that she studied in Sri Bichhudan Nath Mahadev Uchttar Madhyamik Vidyalaya, as the letter



states that she studied in Junior High School, Faridhan, Khanpur, Gazipur. He further submits that the statement made in para no. 4 of the letter cannot be believed as name of the school cannot be wrongly described in the Transfer Certificate issued by the school authorities.

7. Learned State Counsel further submits that petitioner was born and brought up in District Haridwar and her parents and all near and dear ones were residing in District Haridwar, where there are number of schools, as such she had no occasion to go to a distant place in Gazipur in State of Uttar Pradesh for elementary education. He refers to the Transfer Certificate (page no. 72 to the writ petition), which was submitted by petitioner with her nomination form. He submits that her place of residence is mentioned as Village Salempur Mehdood, Tehsil Haridwar in District Saharanpur; while, District Haridwar came into existence on 28.12.1988. He further submits that the Transfer Certificate is fabricated, as in the place assigned for information regarding duration of residence, residence in the State of Uttar Pradesh or State of Uttarakhand is mentioned, while Uttarakhand



State came into being only on 09.11.2000 and in the month of October, 1996 when certificate was issued, no one could have anticipated that State of Uttarakhand would be created. He further submits that the new State, which was carved out by reorganization, was initially named as Uttaranchal and it was renamed as Uttarakhand only on 01.01.2007. Thus, he submits that such certificate could not have been issued on 10.10.1996, which is the date of issuance of that certificate.

8. This Court finds substance in the submission made by learned State Counsel. As per the Transfer Certificate, petitioner was regular student, who physically attended classes in the school concerned. For becoming a regular student of Bichudan Nath Uchhtar Madhyamik Vidyalaya, one should be residing in the concerned village of District Gazipur, however, in the Transfer Certificate, place of her residence is shown as Village Salempur Mehdood, Tehsil Haridwar, District Saharanpur, which reveals that petitioner was not residing in Village Faridhan, Police Station Khanpur, District Gazipur where the school was situate.

9. Even otherwise also, in October, 1996 when



the Transfer Certificate was allegedly issued, State of Uttar Pradesh was not reorganized, therefore, in the assigned place where information regarding duration of residence was to be indicated, name of State of Uttarakhand could not have figured. Even if the said certificate is treated to have been issued after reorganization of State of Uttar Pradesh, then also, the information regarding duration of residence in any one of the successor States is doubtful, as the institution issuing Transfer Certificate is situate in District Gazipur (Uttar Pradesh), and no one who is born and brought up in State of Uttarakhand can receive elementary education from a school situate in a distant place in District Gazipur (Uttar Pradesh).

10. Petitioner relies upon a letter issued by Regional Secretary, Secondary Education Board, Uttar Pradesh on 10.10.2006, whereby recognition was granted to Sri Bichhudan Nath Mahadev Uchhtar Madhyamik Vidyalaya, Faridhan, Khanpur, Gazipur for running High School classes. Recognition granted in 2006 do not support the case of the petitioner, as she claims to have passed out from the said school in the year 1996. There is nothing on record to show that



Bichhudan Nath Mahadev Uchhtar Madhyamik

Vidyalaya was recognized by the competent authority for running Junior High School classes before 1996. Thus, the challenge thrown by petitioner to the finding returned by Prescribed Authority/ Sub Divisional Magistrate, as affirmed by the Appellate Authority is without force.

11. Learned State Counsel submits that all the legal issues raised by petitioner in the writ petition have been answered by this Court in WPMS No. 2940 of 2025, WPMS No. 1819 of 2024 and WPMS No. 2291 of 2024.

12. After considering the submissions made by learned counsel for the petitioner and after going through the judgments relied upon by learned State Counsel, this Court finds that similar issues were decided by this Court in WPMS No. 2291 of 2024. Accordingly, the present writ petition is decided in terms of the judgment dated 11.12.2025 rendered in WPMS No. 2291 of 2024.

13. Pending application(s), if any, stand disposed of.

(Manoj Kumar Tiwari, J.)

30 June, 2026

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