

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

Date of decision:04.08.2015.

Sukhdeep Singh

.....Petitioner

v.

FC(Revenue)Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Lakhwinder Singh,Advocate for the petitioner.

Jaswant Singh,J.

Petitioner-Sukhdeep Singh, an unsuccessful candidate for the office of Numberdar, by filing this writ petition has laid challenge to the order dated 18.3.2010 passed by District Collector,Muktsar(P-1) whereby Avtar Singh-respondent no.4 was appointed as Numberdar of Village Banwala Annu(Patti Dashoda)Tehsil Malot,Distt.Muktsar. Further challenge is to the order dated 5.8.2010(P-2) passed by Commissioner,Ferozepur Division,Ferozepur whereby 4 appeals, including the one filed by present petitioner, against order dated 18.3.2010(P-1) were dismissed. Still further challenge is to the order dated 6.8.2013 (P-3) passed by Financial Commissioner(Revenue) Punjab whereby three revisions against appointment of respondent no.4 were dismissed by the learned FC(Revenue).

It is contended that the impugned orders are liable to be set

RAJINDER PRASAD JOSHI
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High Court, Chandigarh.

aside as the Courts below have not kept in mind that no *munadi* has been carried out in the village before inviting the applications. It is further contended that the petitioner is more qualified and suitable than respondent no.4 for the post of Numberdar which fact has not been taken care of by the authorities below.

After hearing the learned counsel, I find no merit in these submissions and the same are liable to be dismissed.

The learned Financial Commissioner in his order dated 6.8.2013(P-3) has noticed that the factum of *munadi* has been noted by the Collector vide report no.309 dated 29.1.2010 in the patwari's roznamcha and that as per law the presumption is that official acts have been carried out as per prescribed procedure and in accordance with law. Further, it is the case of the petitioner himself that he alongwith many others applied for the post in question and that petitioner applied for the said post on 9.3.2010. It is not forthcoming that if no *munadi* was done that as to how the petitioner and others came to know about the vacancy for the office of Numberdar. It has also been noticed by the learned revisional authority that the revision petitioners could did not put forth any substantial evidence in support of the allegation that no *munadi* was done.

As regards the comparative qualifications/merits of the petitioner and respondent no.4, the learned Collector in his order dated 18.3.2010(P-1) has noticed that name of respondent no.4 has been recommended by Naib Tehsildar, Lambi, Tehsildar Malot, and

SDM, Malot and agreeing with these recommendations, respondent-4 was appointed as Numberdar. Further, it is well settled law that the discretion exercised by the Collector in such appointments ordinarily need not be interfered with unless grave illegality or perversity is shown. In the instant case apparently there is no such grave illegality or perversity so as to interfere with the orders passed by the authorities below.

Dismissed.

04.08.2015.
joshi

(Jaswant Singh)
Judge