

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

CWP No.14742 of 2015

Date of Decision: 27.07.2015

Yusuf IPetitioner

Versus

Collector-cum-Deputy Commissioner and another ...Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. R.S. Budhwar, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

The prayer in the present petition is for issuance of a writ in the nature of *certiorari* for quashing of order dated 27.05.2015 (Annexure P-2), whereby, the claim of the petitioner for selection to the post of Chowkidar has been rejected.

Brief facts of the case, as have been stated in the petition, are that the post of *Chowkidar* fell vacant in Village Fazalpur, Sub-Tehsil Sadhaura, District Yamuna Nagar due to death of Lal Din, *Chowkidar*. The applications were invited by Naib Tehsildar, Sadhaura by way of conducting *Mustri Munadi*. In total seven applicants submitted their applications for the aforesaid post. However, four candidates withdrew their applications lateron and the remaining three candidates, including the present petitioner, remained as contesting candidate. The name of the petitioner

along with two others were recommended to Sub-Divisional Officer (C), Bilaspur. During proceedings, Nait Mohamad and Rustam Ali also withdrew their candidature and only the name of the present petitioner remained in contest and his name was recommended and the file was sent to the Collector, Yamuna Nagar. However, the Collector, Yamuna Nagar rejected the claim of the petitioner on the ground that his educational certificate did not match with the certificates issued by the Haryana Board as the same was issued by the Principal of the School. It was also mentioned that the petitioner was asked to write his name as well as his father's name but he was not able to write anything which would show that he was not fulfilling the basic qualification as per the Rules. Ultimately, the petitioner was declared as ineligible for the aforesaid post and his case was remanded back to Sub-Tehsildar, Sadhaura with a direction for issuing fresh *Mustri Munadi* for inviting applications of the interested persons vide order dated 27.05.2015.

Learned counsel for the petitioner submits that the Collector, Yamuna Nagar has wrongly dispelled and discarded the certificate of 8th standard without any sufficient reason, whereas, the petitioner has passed 8th standard and he could not be declared as ineligible.

Undisputedly, the application of the petitioner was forwarded along with that of other applicants to the Collector, Yamuna Nagar and he was the only candidate to be considered for the post of *Chowkidar* of the Village. The qualification for the aforesaid post is 8th pass. The relevant portion of the order passed by the Collector, Yamuna Nagar is reproduced as under :-

“ I have carefully heard the arguments of the counsel for the candidate and perused the record available in the file. Candidate himself shows that he had passed 8th class from Haryana Board, but the certificate of his education on

the file after perusing the same that the same is not matching with the certificates issued by the Haryana Board. This certificate is issued by the principal of SVM Sr. Sec. School, Rattuwalla, Peerbholi Road (Y. Nagar). In this regard counsel for the candidate told this court that from this year Board of 8th class was cancelled by the Haryana Board, due to this reason the certificate was issued by the Principal of the School. For assessing the authenticity regarding the certificate presented by the candidate, whether he had received the proper education, this court told him to read and write in Hindi, but he cannot read the sentence, beside this, he was told to present after writing his and his father's name in this Court. But he had written his name, but he cannot write the name of his father. From this, it is proved that the candidate is not 8th pass and he is not fulfilling the basic qualification as per rules. In this way in my view this candidate is not an eligible candidate for this post. So, in this situation, I find the candidate Yusaf ineligible for this post and remanding this case to Sub-Tehsildar Sadhaura with the direction that for this post Mustri Munadi be again conducted in the village and applications of the interested persons be received and on which proceedings be done as per rules and name of the eligible candidate be recommended.”

The petitioner is also present in the Court and he was asked to write one line in *Hindi* but could not write even a single word i.e. “*Chandigarh*”.

Hence, the findings recorded by the Collector, Yamuna Nagar appears to be correct and as such, there is no merit in the contentions raised by learned counsel for the petitioner and the petition, being devoid of any merit, is hereby dismissed.

27.07.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE