

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

**Date of decision: 02.06.2016**

**CWP No.10294 of 2016**

Charanjit Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Gurinderjit Singh, Advocate, for the petitioner.

1. *To be referred to the Reporters or not?*
2. *Whether the judgment should be reported in the Digest?*

**RAJIV NARAIN RAINA, J. (ORAL)**

Reason recorded for rejection of the candidature of the petitioner in the report dated 30.10.2015 (Annex P-7) submitted by the Superintendent, Cooperative Societies to the Assistant Registrar, Cooperative Societies, Samrala is two-fold. Firstly, the petitioner's father is a member of the Society, where appointment is sought and is a defaulter of loan taken by him and owes money to the society. Secondly, the petitioner is overqualified to hold the post of Sewadar -cum- Chowkidar from the view point of the employer-Society and being overqualified, he has not been classified as suitable for the job, as they feel, and I think rightly so, that he will not serve for long on the post. The petitioner is a graduate from the Panjab University. He holds B.Ed. degree from Punjabi University, Patiala. Apart from this, he is diploma-holder in Computer Science. Armed with these qualifications, the petitioner can find a suitable job compatible with his qualifications and cannot insist as a matter of right that he has a preferential

claim on account of belonging to the same village where respondent – Society operates and therefore he is the better choice than the non-official respondent who has been preferred and appointed. The Recruitment Rule 5(i) is relied upon, which reads as follows:

**“5. Method of Recruitment etc.**

*(i) The appointments to the service shall be made by the Committee on the recommendations of the Selection Committee consisting of the President, two other committee members of the society and the Assistant Registrar concerned or his nominee. This appointment can be made either on regular basis as per prescribed scale or on contractual basis on consolidated emoluments not exceeding that fixed by the Deputy Commissioner of the District concerned for the concerned category. The appointment shall be made by inviting applications from the suitable candidates in the similarly situated Primary Cooperative Agriculture Service Societies in the District and in case suitable and sufficient candidates are not available, then the applications may be called from the open market.”*

The structure of the rule is built around suitability in the similarly situated Society in the District. In case suitable and sufficient candidates are not available, then applications may be called from the open market. ‘Suitability’ has not been defined and remains in the discretion of the employer and in case they feel persons who are overqualified should not be appointed as Sewadar -cum- Chowkidar, their view cannot be replaced by the writ Court to hold one person more suitable than the other. In view of this, challenge to the appointment of the private respondent fails. The appointment has met with approval from the Registrar, Cooperative Societies, Punjab. This Court does not sit in appeal over the decisions of the Cooperative Societies.

Besides, a writ is not maintainable against respondent No.4 which is a private body. And merely because the decisions of respondent No.4 have to meet approval of the Registrar Cooperative Societies, Punjab it could not make those decisions, actions of the State, or in public law domain amenable to judicial scrutiny in the remedy provided under Article 226 of the Constitution.

On these counts, the writ petition stands dismissed.

**02.06.2016**  
Vimal

**[RAJIV NARAIN RAINA]**  
**JUDGE**