

CWP No.11661 of 2015

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

CWP No.11661 of 2015
Date of decision: 25.05.2016

Pardeep Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Ajit Sihag, Advocate, for the petitioner.
Mr. Sandeep S. Mann, Sr. DAG, Haryana.
Mr. V.S. Punia, Advocate, for respondent No.7.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for quashing the order dated 04.05.2011 (Annexure P-4) passed by Collector, Jind, whereby respondent No.7 has been appointed as Lambardar of the Village, order dated 21.09.2011 (Annexure P-5) passed by Commissioner, Hisar Division, Hisar whereby appeal filed by the petitioner against the order passed by Collector, has been dismissed and order dated 20.09.2012 (Annexure P-6) passed by Financial Commissioner, whereby revision petition filed by the petitioner has been dismissed.

Brief facts of the case are that to fill up the vacancy caused on account of dismissal of Ram Chander, Lambardar (B.C. Category) of Village Durjanpur, Tehsil Narwana, District Jind, applications were invited from interested persons by making publication/proclamation in the Village

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after obtaining necessary sanction from the Collector. Last date for submission of applications was 05.08.2010. After completing formalities, matter came up for consideration before the Collector. The Collector after appreciating the comparative merit of the candidates found Satyawar – respondent No.7 to be fit and suitable candidate and vide impugned order dated 04.05.2011 (Annexure P-4) appointed him as Lambardar of the Village. Petitioner filed an appeal before the Commissioner, Hisar Division, Hisar, which was dismissed vide order dated 21.09.2011 (Annexure P-5). Thereafter, petitioner filed revision before the Financial Commissioner, which has been dismissed vide order dated 20.09.2012 (Annexure P-6). Hence, instant writ petition.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner vehemently contended that the orders passed by revenue authorities are erroneous, perverse and against the settled principles of law, thus, not sustainable in the eyes of law. Learned counsel for the petitioner relied upon the Birth Certificate of the petitioner and contended that as per Birth Certificate petitioner was 22 years of age on the last date for submission of the applications whereas Collector has wrongly recorded the age of the petitioner as 20 years. Therefore, petitioner being meritorious candidate is eligible for the post of Lambardar.

Per contra, learned counsel for respondent No.7 contended that orders passed by the revenue authorities are just and valid. Learned counsel contended that as per School Certificate on the last date for submission of applications, age of the petitioner was 20 years, therefore, petitioner has

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rightly been held to be ineligible for the post of Lambardar. Learned counsel for respondent No.7 further contended that it is settled principle of law that choice of the Collector cannot be lightly set aside. Therefore, present writ petition is liable to be dismissed with costs.

I have considered the contentions raised by learned counsel for the parties.

As per Rule 15(h) read with Rule 17 of the Punjab Land Revenue Rules (as applicable to Haryana), a candidate should not be less than 21 years of age at the time of inviting the applications for appointment as Lambardar. There is specific finding recorded by the authorities below that date of birth in the 10+2 certificate of the petitioner is mentioned as '15.02.1991'. Thus age of the petitioner on the last date for submission of applications i.e. 05.08.2010 was 19 years 5 months and 20 days whereas minimum age for the post of Lambardar on the last date for submission of application should not be less than 21 years. The Birth Certificate relied upon by the learned counsel for the petitioner cannot be taken into consideration because in consonance with that certificate, petitioner never approached the Education Department for correction of date of birth in the 10+2 certificate. There are concurrent findings recorded by the revenue authorities.

Learned counsel for the petitioner has not been able to point out any perversity or illegality in the order passed by the Collector. The findings of the Collector have been affirmed by the Commissioner and Financial Commissioner.

In view of the above discussion, the present writ petition fails.

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Dismissed.

No order as to costs.

(Paramjeet Singh Dhaliwal)
Judge

May 25, 2016
R.S.