

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.1338 of 2015
Date of decision:11.7.2016**

Rajesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Present: Mr.Sanjeen Sharma, Advocate for the petitioner.
Mr.R.S.Doon, AAG, Haryana.
Mr.Ranjit Saini, Advocate for respondent No.8

RAMESHWAR SINGH MALIK, J. (Oral)

Present writ petition is directed against the orders passed by respondent authorities, whereby respondent No.8 was appointed as Numberdar. Petitioner seeks setting aside of the impugned orders, claiming himself to be more meritorious than respondent No.8.

Notice of motion was issued and pursuant thereto, reply has been filed on behalf of respondent No.8, only contesting respondent.

Learned counsel for the petitioner submits that petitioner was not granted due opportunity to set up his case. Respondent No.8 was illegally appointed by the collector as Numberdar and said appointment order was illegally upheld by the Commissioner as well as Financial Commissioner, while passing their impugned orders. He places reliance on Rule 15 of the Punjab Land Revenue Rules and prays for setting aside the impugned orders by allowing the instant writ petition.

On the other hand, learned counsel for the State as well as

learned counsel for respondent No.8 submit that the collector has passed a well reasoned order, strictly in accordance with law and respondent No.8 was rightly appointed as Backward Class Numberdar. Learned counsel for respondent No.8 also refers to a charge-sheet as Annexure R-8/1 (colly) to show that the petitioner is facing a criminal charge under Section 302 read with Section 34 of the Indian Penal Code. However, this contention of learned counsel for respondent No.8 was sought to be controverted by learned counsel for the petitioner by saying that criminal case came to be registered against the petitioner much later. Learned counsel for the respondents pray for dismissal of the present writ petition.

A combined reading of the impugned orders passed by all the revenue authorities would show that respondent No.8 was rightly appointed, strictly in accordance with the relevant provisions of law. The order dated 24.1.2012 (Annexure P-3) passed by the collector, Kurukshetra, has been found a well reasoned order. Appeal as well as revision filed by the petitioner were dismissed by the Commissioner, Ambala Division, Ambala and Financial Commissioner by passing impugned orders Annexures P-5 and P-6, respectively, which have also not been found suffering from any patent illegality or perversity. It is the settled proposition of law that choice of Collector in the matter of appointment of Numberdar deserves to be upheld until and unless the order passed by him is found suffering from patent illegality and perversity. So far as the present case is concerned, no such patent illegality or perversity has been pointed out by the learned counsel for the petitioner, during the course of argument. The matter was reconsidered by the Commissioner as well as by the Financial Commissioner. The impugned orders have also been found well reasoned,

whereby choice of the collector while appointing respondent No.8 as Numberdar was rightly upheld. No statutory provision has been violated by either of the respondent authorities.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out

Resultantly, with the above-said observations made, the instant writ petition stands dismissed, however, with no order as to costs.

11.7.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE