

In the High Court of Punjab and Haryana at Chandigarh

**C.W.P. No. 27541 of 2015
Date of Decision: April 07, 2016**

Ram Singh

... Petitioner

Versus

Financial Commissioner (Revenue) Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Nonish Kumar, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari setting aside order dated 31.03.2010 (Annexure P/2) passed by respondent no.3 – Collector, Panipat, whereby respondent no.4 – Ranbir son of Sh. Telu Ram has been appointed as Backward Class Lambardar of Village Chhichhrana, Tehsil Israna, District Panipat, order dated 23.03.2011 (Annexure P/4) passed by respondent no.2 – Commissioner, Rohtak Division, Rohtak and order dated 16.02.2015 (Annexure P/5) passed by respondent no.1 - Financial Commissioner (Revenue), Haryana whereby appeal and revision filed by the petitioner have been dismissed.

Brief facts of the case are that to fill up the vacancy caused on account of death of Suraj Bhan, previous Backward Class Lambardar of Village Chhichhrana, Tehsil Israna, District Panipat, applications were invited from the interested persons by making proclamation in the village.

In pursuance of the proclamation, 8 applications were received. The Collector, after appreciating the comparative merit of the candidates found Ranbir Singh son of Telu Ram – respondent no.4 to be fit and suitable candidate and vide order dated 31.03.2010 (Annexure P/2) appointed him as Backward Class Lambardar of the Village. Against the order (Annexure P/2), petitioner as well as respondent no.5 – Sumer preferred two separate appeals before the Commissioner. The Commissioner, Rohtak Division, Rohtak, vide order dated 22.03.2011 (Annexure P/4) dismissed both the appeals. Thereafter, petitioner preferred a R.O.R. before the Financial Commissioner, which has also been dismissed vide order dated 16.02.2015 (Annexure P/5). Hence, instant writ petition.

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner vehemently contends that respondent no.4 is only 7th standard passed but he has procured a false certificate of 9th standard from U.P. As such, he is not entitled to be appointed as Lambardar of the village. Learned counsel further contends that besides this, petitioner is more meritorious than respondent no.4 and he deserves to be appointed as Lambardar of the village.

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

Admittedly, findings of fact have been recorded with regard to the educational qualifications which cannot be interfered in writ jurisdiction. So far as other comparative merit of the candidates is concerned, after considering all the factors, the Collector has appointed respondent no.4 as Lambardar of the village.

Otherwise also, the Hon'ble Supreme Court of India in the case

of **Mahavir Singh Vs. Khiali Ram & others, 2009(3) SCC-439, Lila Ram Vs. Asa Ram, 1955 Lahore Law Times-29** followed by Division Bench of this Court in the case of **Phool Kumar Vs. State of Haryana and others, 2010(2) RCR (Civil) 819**, held that the choice of the District Collector cannot be lightly set aside.

In **Mahavir Singh's** case (supra) the Hon'ble Supreme Court of India has observed that there should be no interference with the choice made by the Collector in the matter of appointment of Lambardar even if two views are possible. It is the prerogative of the Collector to compare the merits of the candidates for appointment to the post of Lambardar.

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 the Financial Commissioner.

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

Dismissed in limine. However, if the petitioner is in a position to prove that document was fake, he will be at liberty to move an appropriate application for taking action against respondent no.4 including dismissal from the post of Lambardar, if ultimately fraud is found to have been committed.

April 07, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge