

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

**CWP No.24664 of 2016
Date of decision:13.01.2017**

Sukhwinder Singh

... Petitioner

Vs.

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. H.P.S.Aulakh, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner is aggrieved of the impugned orders, whereby, respondent No.4 – Bahadur Singh has been appointed as Nambardar of village Jatana, Tehsil Khanna, District Ludhiana.

Mr. H.P.S.Aulakh, learned counsel appearing on behalf of the petitioner submits that on account of demise of Gurdial Singh, Scheduled Caste Nambardar of village Jatana, the post of Nambardar fell vacant. The procedure/formalities were adopted for filling up the said post. The petitioner -Sukhwinder Singh along with other candidates, namely, Bahadur Singh and Balwinder Singh applied for the post. However, the petitioner has been declined, though at that time, he was 25 years of age and now he is 30 years old and a graduate. He is more experienced and have been discharging the social obligation towards the residents of aforesaid village. Whereas, on the contrary, selected candidate, namely, Bahadur Singh is a physically handicapped and is only matriculate, much less older in age. He also owns a truck, therefore, presumption regarding driving a truck cannot be withheld.

The Nambardar should be a resident of the village and be present in the village all the time for various purposes. All these factors have not been considered, thus, the order under challenge is capricious, illegal, arbitrary and liable to be set aside.

I have heard learned counsel for the petitioner and appraised the paper book.

I am afraid that the aforementioned argument is not tenable and wholly misconceived. The authorities below being quasi-judicial after taking into consideration the evidence in extenso calling upon both the parties found that Bahadur Singh is younger in age and graduate. Owning of truck does not mean that he is a truck driver. No evidence to this effect has been proved on record. The selected candidate has only 30% disability having a slight limp.

Be that as it may, it is not only sole ground for selection but other grounds also indicated above. The orders under challenge do no call for any interference and do not leave any scope for judicial review.

Accordingly, the writ petition stands dismissed.

(AMIT RAWAL)
JUDGE

January 13, 2017
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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No