

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

CWP No.25805 of 2016  
Date of Decision.19.01.2017

Sajjan Singh

.....Petitioner

Vs

State of Haryana and others

.....Respondents

Present: Mr. Jai Singh Yadav, Advocate  
for the petitioner.

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

-.-

**AMIT RAWAL J. (ORAL)**

Learned counsel appearing on behalf of the petitioner submits that against the order of remand of the matter by the Commissioner to the District Collector vide order dated 24.07.2014 (Amnnexure P-2), revision petition filed under Section 16 of the Punjab Land Revenue Act has been allowed by the Financial Commissioner vide order dated 24.08.2016 whereby the order of the Collector accepting the appointment of Mange Ram, has been upheld.

Mr. Yadav, learned counsel appearing for the petitioner submits that the finding rendered by the Financial Commissioner qua the certificate for the purpose of appointment as Lambardar was erroneously found to be false whereas there is no reference of the same in the order of District Collector or Commissioner's order. It was never the case. The qualification for the appointment of Lambardar is 8<sup>th</sup> pass and the certificate of 10<sup>th</sup> and 12<sup>th</sup> obtained from the Board of Secondary Education, Madhya Bharat, Gwalior is inconsequential. The petitioner is younger than the appointed candidate as he is 37 years of age and his father was also working as

thus, the order under challenge, even after remand, lacks reasons, much less, application of mind, thus, liable to be set aside.

Notice of motion.

Mr. Harish Nain, Advocate accepts notice for respondent No.3 and submits that the information supplied by the petitioner qua his education qualification of 10<sup>th</sup> and 12<sup>th</sup> was found to be false. In support of his contention, he relies upon ratio decidendi culled out by co-ordinate bench of this Court in **Subash Chander Vs. State of Haryana and others** decided in CWP No.15019 of 2015 on 22.04.2016 and connected case wherein it has been held that the aforementioned institution i.e. Board of Secondary Education, Madhya Bharat, Gwalior had been indulging into issuing of fake and forged certificates and it is not a recognized institution.

On merits, the respondent No.3 is 10<sup>th</sup> pass, thus, has more qualification than the petitioner. He has a *pucca* house and owns 6 acres of land and his financial position is also strong. His wife has also been appointed as Sarpanch and had been given donations to the temples, much less, participated in all social and religious works.

Keeping in view the aforementioned argument, the Assistant Collector Grade-I recommended his case. There can be no interference with the recommendation which has been made as per law and has been held to be final, unless and until the recommendation is outcome of extraneous consideration or fabricated documents submitted by interested candidates.

In reply, Mr. Yadav submits that there is no proof of owning of land measuring 6 acres. The aforementioned contention before the Collector was wholly misplaced.

I have heard learned counsel for the parties, appraised the paper

book and of the view that there is no force and merit in the submissions of Mr. Yadav, for, the recommendation of the Assistant Collector for the name of respondent No.3 has been found to be satisfactory. The certificates Annexure P-7 and P-8 for 12<sup>th</sup> and 10<sup>th</sup> are fake and fabricated, having been issued by the Board of Secondary Education, Madhya Bharat, Gwalior, which is in the judgment rendered by this Court, has been held to be indulging into fake and forged certificate and was not recognized. If the aforementioned certificates are to be ignored then the petitioner has qualification of middle, though the minimum qualification for the post of Lambardar is 8<sup>th</sup> whereas on the contrary, the respondent is a matriculate. The factum of wife of respondent No.3 being Sarpanch and performing as such, has not been denied or rebutted.

All these factors have been taken into consideration and I do not deem it appropriate to interfere with the findings rendered by the authorities below. No ground for interference is made out, much less, judicial review. The writ petition stands dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**January 19, 2017**  
Pankaj\*

Whether reasoned/speaking      Yes

Whether reportable      No