

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

**CWP No.13290 of 2018
Date of Decision:02.08.2018**

Jaspinder Singh

...Petitioner

Versus

Additional Chief Secretary-cum-Financial Commissioner (Appeals),
Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Gopal Krishan Saini, Advocate
for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

The challenge is to the concurrent findings of the authorities below whereby respondent No.4 Gursewak Singh has been appointed as Lambardar (SC) for village Saidpura, Tehsil Khamano, District Fatehgarh Sahib.

Counsel for the petitioner has vehemently argued that respondent's educational qualification as such is overlapping and therefore, the certificates are not tenable. A perusal of the paperbook would go on to show that the Assistant Collector, categorized the advantages of the qualifications of six candidates who had remained in the fray and recommended the said respondent vide order dated 22.04.2015 (Annexure P-2). The objection has been raised as such by the present petitioner regarding the demerits of the said candidate regarding the overlapping period of study. Candidates Dalip Singh, Lakhvir Singh and Karamjit Singh withdrew their names in favour of the present

petitioner whereas Jasvir Singh withdrew in favour of Harjinder Kaur and Davinder Singh withdrew in favour of Gursewak Singh. It is to be noticed that the respondent owns 8 kanals agriculture land and he was MA. B.Ed. apart from having diploma in Punjabi Steno, one year computer & 2 years Sikh Missionary Course, Diploma DAFE, 1 year agriculture training, Motor & Pump Course.

Resultantly, keeping in view the educational qualifications and the fact that he is social worker, he was preferred by the District Collector vide order dated 28.07.2015 (Annexure P-4).

It has been noticed that the present petitioner only own 1.5 kanal of agriculture land and is only 12th pass. The only claim of the petitioner was that the deceased Lambardar was brother of his grandfather who had expired on 21.09.2014. The order of Collector is not required to be interfered with in such circumstances in any manner and has rightly not been interefered by the Divisional Commissioner, Pataiala Division, Patiala vide order 22.11.2016 (Annexure P-6) and further upheld by the Financial Commissioner, Punjab vide order dated 15.09.2017 (Annexure P-7).

It is settled position that the Writ Court is not to intefer in such appointments specially once the educational qualification of the candidate is far superior as such which is a major factor in these days of technology. Merely because some degrees and courses overlaps as such could not be a case of disqualification for the person who also has far better land holding than the present petitioner. Neither the degrees as such have been placed on record to show in what manner, from which source, which institute, from which university they have been issued and

how they overlap and whether the courses were evening or part time courses which could have been pursued simultaneously .

In such circumstances, no case is made out to interfere in writ jurisdiction.

Accordingly, the writ petition is dismissed in limine.

02.08.2018		(G.S. SANDHAWALIA)
pvd		JUDGE
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No