

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

CWP No. 1478 of 2018

DATE OF DECISION : 07.05.2018

Kuldeep

....PETITIONER

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Vikas Bishnoi, Advocate,
for the petitioner.

* * *

AVNEESH JHINGAN, J. (Oral)

The petitioner has filed this writ petition for quashing of order dated 10.10.2017 (Annexure P-4) passed by the Collector, Hisar, appointing respondent No.6 as Chowkidar of village Khanpur, Tehsil Hansi, District Hisar.

2. The petitioner was one of the candidates who applied for the post of Chowkidar of village Khanpur, Tehsil Hansi, District Hisar. Respondent No.1 is the State of Haryana. Respondent No.2 is the Collector, Hisar. Respondent No.3 is Sub Divisional Officer (Civil), Hansi. Respondent No.4 is Tehsildar, Hansi. Respondent No.5 is Naib Tehsildar, Hansi and respondent No.6 is a private person, who has been appointed as Chowkidar.

3. The post of Chowkidar of village Khanpur fell vacant after the retirement of earlier Chowkidar. To fill up the vacant post, the procedure as prescribed in the Haryana Chowkidara (Watchman) Rules, 2011 (for short 'the Rules'), was duly followed. The eligibility criteria as per Rule 3 was considered. Total eight candidates applied for the post. Application of Rakesh son of Ramphal was cancelled as he was less than 21 years of age. Two candidates withdrew their candidature in favour of respondent No.6 Sanjay son of Mewa Singh. Three candidates appeared before the Deputy Commissioner, Hisar. After following the due procedure, respondent No.6 was appointed as Chowkidar.

4. Rules 3 and 4 of the Rules are quoted below :-

“Eligibility criteria for appointment

3. While considering the first appointment of the Village Watchman, the eligibility criteria shall be as follows :-

- (a) he should not be less than 21 years and not more than 45 years of age.
- (b) he should have passed at least the 8th class from a Government School or Government Recognized School.
- (c) he should be physically fit and possess a good moral character.

Procedure for appointment of Village Watchman

4. (1) The Deputy Commissioner shall select a Village Watchman from eligible persons of the village after due proclamation in the village

inviting applications from eligible persons and following due process. A report on antecedents shall be obtained from the Superintendent of Police concerned prior to appointment.

(2) The appointment of Watchman shall be for a period of five years. Prescribed procedure shall be followed for making the fresh appointment. A person who has served as Village Watchman shall be eligible for re-appointment subject to prescribed procedure.”

5. It would be pertinent to note that the name of respondent No.6 was recommended by the Tehsildar, Hansi, on 19.06.2017. His appointment was further recommended by the Sub Divisional Officer (Civil)-cum-Assistant Collector Ist Grade, Hansi, on 03.07.2017. The candidates appeared before the Commissioner, Hisar. Respondent No.6 was found fulfilling the eligibility criteria. His name was recommended by 28 persons of the village. Two candidates had withdrew their candidature in his favour. It was verified that he possess good character and had a good image in the village. He had no outstanding towards any department. He had not illegally occupied any government land or land of the Gram Panchayat. After considering the inter-se suitability of the candidates, respondent No.6 was appointed as Chowkidar.

6. The grievance of the petitioner is that the person appointed is merely a Matriculate, whereas the petitioner is 10 + 2 pass.

7. The order of appointment passed in favour of respondent No.6

cannot be quashed on the aforesaid ground alone. The minimum qualification required is that the candidate should have passed at least the 8th class from a Government school or Government recognized school. Respondent No.6 duly fulfils the said eligibility criteria. Merely because the petitioner is 10 + 2 pass does not in itself entitle him for appointment as a Chowkidar. The decision regarding appointment is to be taken after considering various factors, educational qualification being only one of them. The procedure laid down in the Rules has duly been followed. It has also not been established that the authorities while taking the decision failed to take into consideration the relevant factors or that the decision was based on extraneous or irrelevant considerations, not germane therefor. The scope of interference in writ jurisdiction in such like cases is very limited. The court will not normally substitute its opinion regarding suitability of a candidate merely because the appointed candidate was Matriculate whereas the petitioner was 10 + 2 pass.

8. For the reasons recorded above, no case is made out for interference in the impugned order dated 10.10.2017 passed by the Collector, Hisar.

9. Writ petition is dismissed.

May 07, 2018
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes