

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

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CWP-17945-2018

Date of decision: 12.10.2018

Rattan Singh

....Petitioner

Versus

Deputy Commissioner, Hisar & others

...Respondents

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

Present: Mr.K.S.Khaira, Advocate, for
Mr.Vaibhav Jain, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Present petition, filed under Articles 226/227 of the Constitution of India, is directed against the order dated 17.10.2017 (Annexure P-6) passed by the Deputy Commissioner, Hisar, whereby Sandeep Kumar-respondent No.4 has been appointed as Chowkidar of Village Jagaan.

Counsel for the petitioner has vehemently submitted that the petitioner has more work experience and therefore, the preference given to the private-respondent was not justified, in the facts and circumstances.

A perusal of the file would go on to show that initially, there were 4 candidates in the race, apart from the petitioner and the private-respondent, namely, Amit & Vikas. Out of the other two, Amit withdrew his application and therefore, the contest was amongst 3 persons for the said post. The SDO (Civil) Hisar, on 30.01.2017 (Annexure P-5), recommended the name of private-respondent No.4 for the said post, while noticing that the said respondent was 12th pass and was having experience of Chowkidari work and his name had also been recommended by the Tehsildar-cum-Assistant Collector, Hisar. It was also noticed that the petitioner was 41

years old in comparison to the private-respondent, who was of lessor age and was more qualified, since the petitioner was only matriculate.

The Deputy Commissioner also, vide order dated 17.10.2017, after hearing all the candidates, had come to the said conclusion that the private-respondent was a better choice, who was more capable than the other candidates and he was the grandson of retired Chowkidar-Rulli Ram. The Gram Panchayat had also recommended his name, apart from the revenue officers and therefore, he has stolen a march over the petitioner and other candidates. The relevant factors which are to be kept in mind are the higher educational qualifications and his younger age and that the choice of the Collector is not to be disturbed unless it is perverse.

Accordingly, this Court is of the opinion that the order impugned is well justified and the same is not liable to be disturbed, under the extraordinary writ jurisdiction, in the absence of any perversity, arbitrariness or capriciousness in the same. Resultantly, in view of the above discussion, the present writ petition is dismissed in limine.

12.10.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No