

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

CWP No. 19600 of 2018
Date of decision: 06.09.2018

Jaggan Nath

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Ankur Sidhar, Advocate,
for Mr. Balraj Gujjar, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge raised in the present writ petition is to the appointment of the private respondent as Chowkidar of village Imlota, Tehsil and District Charkhi Dadri.

Counsel for the petitioner has vehemently argued that the petitioner had a hereditary claim as such and he had been recommended both by the Assistant Collector IInd Grade and Assistant Collector Ist Grade for the said appointment.

A perusal of the order of the Collector dated 04.07.2018 (Annexure P-3) would go on to show that the Collector weighed the pros and cons of both the candidates who were contestants for the appointment. It was noticed that the petitioner is over 44 years of age whereas, the private respondent was 31 years old. Both the candidates were 10th pass and there was not much difference inter se regarding the two candidates as such. The only factum which eventually weighed is a photograph on the file in which the petitioner is figuring to be drinking at a public place which led to the

appointment of the private respondent on the ground that it would be in the interest of public as the said candidate would be more suitable. It was in such circumstances dissatisfaction was recorded with the recommendation of the authorities below.

The reasoning as such which has been given by the Collector is not perverse or capricious in any manner. The argument raised that the photographs had to be proved whether they are manipulated is not liable to be accepted. It is a summary procedure as such for appointment of Chowkidar and there is material on record which has entailed that the petitioner is not responsible and could not be held responsible as such for the responsibilities of the post. The exercise of discretion as such which has been done by the Collector in favour of the private respondent is not liable to be interfered with in the exercise of extra ordinary writ jurisdiction.

Accordingly, there is no merit in the writ petition and the same is dismissed in limine.

06.09.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No