

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

**CWP No.21091 of 2018
Date of Decision:13.09.2018**

Jai Parkash

...Petitioner

Versus

The State of Haryana and others

...Respondents

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

Present: Mr. Bhupander Ghanghas, Advocate
for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India against the concurrent findings of the authorities below from Collector to the Financial Commissioner challenging the order of appointment of private respondent No.6 Rajesh Kumar as Lambardar of village Khera.

Counsel for the petitioner vehemently submitted that the SDO, Siwani as such recommended his name vide communication dated 21.03.2011 (Annexure P-6) while directing the parties to appear before the Collector and therefore, he submits that the authorities below were in error in not appointing the petitioner.

A perusal of the paper-book would go on to show that keeping in view the comparative merits of the 3 candidates including one Mange Ram, the District Collector had passed the order on 05.09.2011 (Annexure P-8) which was upheld on 18.11.2011 (Annexure P-9) and 16.07.2015 (Annexure P-10) by the Commissioner, Hisar and the Financial Commissioner, Haryana, respectively. The common thread

which runs through the three orders is that the petitioner lost out in the race in view of the fact that the private respondent was younger in age being 27 years old and petitioner being 40 years old. He was also more qualified as he was MA degree holder whereas the petitioner is only 10th pass. Similarly, the land holding was also 3 times more than the petitioner, who only has 3 acres of land and the private respondent has 49 kanals and 17 marlas (6 acres of land). In such circumstances, the private respondent is better placed in life.

The settled principle is that the Collector is the best judge in case of the appointment of the Headman under the Punjab Land Revenue Rules. It is not for this Court to go into the comparative merits of the candidates specially when the orders of the Collector and the other authorities, do not suffer from any perversity. In such circumstances, no case is made out for interference in the said orders.

Resultantly, in view of the above discussion, the present writ petition is dismissed in limine.

13.09.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No