

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

**CWP No.21362 of 2018 (O&M)
Date of Decision: 11.09.2018**

Parwinder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Rajender Kumar, Advocate
for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

CM-13468-CWP-2018

Application under Section 151 CPC for placing on record school leaving certificate as Annexure P-6 and exemption from filing the certified/typed copy of the same is allowed subject to all just exceptions.

CM stands disposed of.

Main case:

The present writ petition has been filed under Articles 226/227 of the Constitution of India challenging the order dated 08.07.2015 (Annexure P-4) passed by the Collector, Kurukshetra and the order dated 19.01.2018 (Annexure P-5) passed by the Commissioner, Ambala Division, Ambala, upholding the appointment of private respondent Tej Pal as Chowkidar of village Badondi.

It is pertinent to notice that the private respondent was the son of earlier Chowkidar Nasib Singh. The petitioner had been appointed by the Sub-Divisional Officer on 31.01.2013 (Annexure P-1) but the private respondent had filed an appeal against the said order before the

Collector which was allowed on the ground that the present petitioner had not passed 8th class and there was report of demarcation that he is in illegal possession. The said order was set aside by the Commissioner on 24.02.2015 (Annexure P-3) and the matter was remanded to the Collector to decide the case on the ground that the principles of natural justice have been violated.

The Collector on remand found that the educational qualifications of both the parties were same but chose the private respondent as the deserving candidate and appointed him in place of deceased Chowkidar which order has been upheld by the Commissioner.

Counsel for the petitioner has submitted that the petitioner is also 8th class passed, by placing reliance upon Annexure P-6 which is now placed on record.

Keeping in mind that also, admittedly both the petitioner and the private respondent were the contesting applicants left in the fray out of 5 applicants who had applied for the post and there is not much difference as such between the two. The discretion has been exercised in favour of the private respondent by the Collector. In the absence of any perversity or disqualification on the face of record against the private respondent as such, this Court is not inclined to interfere with the matter of appointment of the Chowkidar. It is settled principle that the Collector deals with the persons at the grass-root level and therefore, he is in a better position and informed as to who is the right candidate as such and it is not for this Court to go into the merits of the case. Only in the case of any arbitrariness or capricious decision, this Court would interfere while exercising its extra ordinary writ jurisdiction.

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

11.09.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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