

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

**Civil Writ Petition No.25097 of 2018
Decided on : 28.09.2018**

Gurdeep Kaur

... Petitioner

Versus

The Financial Commissioner, Punjab and others

... Respondents

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

Present : Mr. Rohit Joshi, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Article 226/227 of the Constitution of India is to the concurrent findings of the authorities below who have appointed respondent No.4-Jagjit Singh as Headman of the village Tanda Churian, Tehsil Mukerian, District Hoshiarpur.

Counsel for the petitioner has vehemently argued that the petitioner was the widow of the Ex-Lamberdar and, therefore, should have been given preference. It is further submitted that the petitioner is a mature person as such. The order of the Collector dated 12.03.2013 (Annexure P-1) which has been upheld in appeal on 13.05.2016 (Annexure P-3) by the Commissioner and further upheld by the Financial Commissioner on 02.11.2017 (Annexure P-4) are, thus, under challenge.

The Financial Commissioner while upholding the orders of the authorities below has noticed that the District Collector had as such examined the merits and de-merits of all the candidates and found that

respondent No.4 is 43 years old in comparison to the petitioner who is 62 years old. The qualification of the private respondent No.4 as such would necessarily put him at a far higher pedestal, as he is not only B.Sc. (IT) but had done diploma in B. Pharmacy, whereas the petitioner was not even 8th Class pass. Resultantly, it was noticed that the order of the Collector is not to be interfered with unless there are major irregularities and merit is to be considered by the said official, who at the grass-root level is best placed to assess the comparative merit.

A perusal of the order dated 12.03.2013 (Annexure P-1) passed by the Collector would go on to show that that there was as many as 12 applicants initially, but 5 of them had withdrawn in favour of the petitioner. Jasbir Singh and Gurmit Singh had withdrawn their names in favour of the private respondent No.4 and lower revenue officials had also recommended him. It was noticed that he is running a medical store and had employees as such. It was, thus, in such circumstances he was appointed as Lamberdar by the District Collector while also ignoring the claim of Pritpal Singh who was 35 years old and whose brother was serving in the Indian Army. The private respondent No.4 owned 24 kanals 17 marlas of land in comparison to the 17 kanals 17 marlas of land of Pritpal Singh. Though the petitioner had owned more land to the tune of 49 kanals 02 marlas.

The relative merit as such was found to be more in favour of the private respondent. The said exercise, thus, was rightly conducted by the District Collector who is the best person to assess the comparative

merit. The said respondent, thus, is in a better placed position in the present time and age, being better qualified educationally and also being younger in age, therefore, the order of the Collector does not suffer from any infirmity, which has been accordingly, upheld by the authorities below.

Accordingly, this Court is of the opinion that the findings recorded by the authorities below do not suffer from any infirmity, which would warrant interference in the extra-ordinary writ jurisdiction of this Court, as the comparative merit is not be judged herein, but it is only to be seen that the Collector had conducted the said exercise.

The writ petition is, accordingly, dismissed in limine.

SEPTEMBER 28, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No