

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

**Civil Writ Petition No.3702 of 2018
Decided on : 07.08.2018**

Harpal

... Petitioner

Versus

The Financial Commissioner, Revenue Department, Haryana and others

... Respondents

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

Present : Mr. Neeraj Gupta, Advocate for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Article 226/227 of the Constitution of India challenges the concurrent findings of the authorities below, whereby respondent No.4-Yash Pal has been appointed as Lamberdar of village Kasan, Tehsil Manesar, District Gurugram.

The Financial Commissioner while dismissing the revision on 10.08.2017 (Annexure P-3) came to the conclusion that the said respondent is more educated in comparison to the petitioner and the Collector had rightly ignored the claim of the petitioner, after looking at comparative merit of both the applicants, while upholding the order of the Commissioner, Gurgaon dated 03.12.2015 (Annexure P-2).

A perusal of the record would go on to show that if comparative merit is to be seen, the petitioner is only 6th Class pass, whereas private respondent is 10+2 pass and in comparison it has been noticed that the present petitioner is having 5 kanal 11 marlas of agricultural land in contrast to one acre possessed by the private respondent. It has been also found that the said respondent has deposited ₹10 lakhs in small saving

scheme and his son and wife has also deposited ₹1 lakh and ₹50,000/-, respectively in small saving scheme.

The argument which has been raised by the counsel for the petitioner that he is the adopted son of the deceased Lamberdar and the adoption is in contravention of the statutory provisions as the adoption deed was after the said respondent had attained the age of 18 years. The record would go on to show that the comparative merit had been seen and the petitioner's claim of 5 kanals 11 marlas of agricultural land which is also in nature *Dholi* and in view of the educational qualification of the private respondent which are far better than the petitioner, the appointment had been made. The same is a very valid criteria as such on the ground which the private respondent has stolen the march over the present petitioner and the issue of valid adoption or not is a criteria which is to kept in mind for the purpose of the present controversy.

It is a settled principle that choice of the District Collector is not to be interfered with by the superior authorities and much less by this Court in the discretionary jurisdiction under Article 226/227 of the Constitution of India in the absence of any patent illegality or perversity.

Resultantly, there is no merit in the present petition and same is dismissed in limine.

AUGUST 07, 2018

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No