

CWP-10000-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10000-2019

Date of Decision: 12th April, 2019

Rajnish Kumar

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Ms. Mehak Sawhney, Advocate for
Mr. Vinod S. Bhardwaj, Advocate
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

Challenge in this writ petition is to the order dated 01.05.2018 (Annexure P-9) passed by the Financial Commissioner, Haryana, upholding the order dated 14.12.2017 (Annexure P-8) passed by the Commissioner, Hisar Division, Hisar and the order dated 02.06.2017 (Annexure P-7), whereby, the Collector, Sirsa had ordered re-proclamation for inviting applications for appointment to the post of Lambardar (general category) of village Chaharwala, Tehsil Nathusari Chopta, District Sirsa.

It is the contention of the learned counsel for the petitioner that earlier applications were invited for appointment to the post of Lambardar of the village, in pursuance thereto, three candidates had applied. During the process of consideration, the two other candidates withdrew their candidature leaving the petitioner alone in the fray. When the process of recommendation was going on, a complaint was filed that the proclamation

has not been issued in a proper manner, in pursuance thereof, the report which has been submitted, indicates that there has been proper proclamation in the village and there is no violation of the rules and instructions, however, the Collector has proceeded to order re-proclamation vide order dated 02.06.2017 (Annexure P-7), which order has been upheld upto the Financial Commissioner, Haryana, vide order dated 01.05.2018 (Annexure P-9). She contends that once the doubts have been cleared with regard to the proclamation being in accordance with the rules/instructions, fresh proclamation as ordered by the Collector, cannot be accepted to be a correct mode. She, therefore, contends that the impugned orders deserve to be set aside and the writ petition allowed with a further prayer of issuance of *mandamus* to appoint the petitioner as Lambardar.

I have considered the submissions made by the learned counsel for the petitioner and with her assistance have gone through the records of the case.

It is not disputed rather settled upto the Hon'ble Supreme Court that the choice of the Collector is to be honoured and respected and should not be lightly interfered with as he is the officer at the spot and is in a better position to assess with regard to the true facts and existing circumstances. The said Competent Authority has, on going through the available records and keeping in view the facts and circumstances of the case, ordered fresh proclamation. The said order when challenged before the Commissioner, Hisar Division, Hisar, led to the passing of the order dated 14.12.2017 (Annexure P-8), wherein, it has rightly been observed that whenever,

proclamation is doubted or is suspicious, then there is no harm in inviting fresh applications through re-proclamation. The public interest is always above the personal interest and preference should be given for wider competition for selecting a more suitable person for appointment to the post. In any case, the post of Lambardar is a very respectable and responsible post, for which post, capable person should be selected and appointed. The Competent Authorities having come to a conclusion that there is a doubt with regard to the proclamation having been issued especially in the light of the fact that the petitioner alone is left in the fray, as the two other candidates have withdrawn their respective candidature, this Court does not find any reason to interfere with the orders passed by the authorities below, which have been challenged in the present writ petition.

The writ petition, therefore, stands dismissed on merit.

(AUGUSTINE GEORGE MASIH)
JUDGE

12th April, 2019
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No