

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

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Civil Writ Petition No.11664 of 2019

Date of Decision: May 3rd, 2019

Rajinder Kumar

...Petitioner

Versus

The Financial Commissioner Revenue, Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jaideep Verma, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for setting aside the order dated 30.01.2018 (Annexure P-6), order dated 30.10.2012 (Annexure P-5) and order dated 07.02.2011 (Annexure P-3) passed by the Financial Commissioner (Appeals), Punjab, Divisional Commissioner, Patiala Division, Patiala and the District Collector, Ludhiana-respondents 1 to 3 respectively being illegal and perverse as respondent No.5-Jasvir Singh son of Ajit Singh has been appointed as Lambardar of Village Chaunta, Ludhiana (East).

2. It is the contention of learned counsel for the petitioner that private respondent No.5-Jasvir Singh, who has been appointed as the Lambardar of the village by the District Collector vide order dated 07.02.2011 (Annexure P-3), forged the matriculation certificate as the certificate which has been appended along with the application, actually pertains to his brother Baldev Singh. In support of this contention, he places reliance upon the Gazette Notification issued by the Punjab School Education Board. His further contention is that the Collector has merely proceeded to reject the candidature of the petitioner because of the fact that

trial, he has been acquitted. He, thus, contends that the petitioner is entitled for appointment to the post of Lambardar and a person, who has forged matriculation certificate, cannot be given the responsibility of holding the post of Lambardar.

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

4. It is an admitted fact that at the stage when the Collector was considering the candidature of the persons, who had applied for the post of Lambardar, no such plea as is being taken, was submitted before the Collector, however, in the appeal such a plea was taken but because of lack of any evidence and merely on the assertions of the petitioner, the same cannot be accepted. The revisional authority also did not accept the plea of the petitioner and in any case, this Court in exercise of its equitable jurisdiction, would not interfere in the matter where admittedly on the date when the candidature of the applicants for the post of Lambardar was being considered by the Collector, petitioner was accused in criminal cases, which finds mention in the orders which have been passed by the authorities. The character of the petitioner, therefore, on the date of consideration for appointment to the post of Lambardar, was itself in doubt and thus, he is not a person, who would be suitable for appointment to the post of Lambardar.

5. The assertion of the petitioner with regard to forgery of the matriculation certificate by respondent No.5 cannot be accepted at this stage merely on the basis of a Gazette Notification of the Punjab School Education Board. There is no other material which has been placed on record to satisfy this Court that the said certificate was a forged certificate

would not interfere in the orders which have been passed by the competent authorities in exercise of its extraordinary discretionary jurisdiction. In any case, there is no equity in favour of the petitioner which would persuade this Court to interfere in the orders impugned.

6. In view of the above, the writ petition stands dismissed.

May 3rd, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No