

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

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**CWP No. 14770 of 2018  
Date of Decision : 9.4.2019**

**Bholar**

**.....Petitioner**

**v.**

**State of Haryana and others**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present : Mr. Ashwani Bhardwaj, Advocate, for the petitioner

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**AUGUSTINE GEORGE MASIH, J. (Oral)**

Challenge in this writ petition is to the order dated 10.10.2017 (Annexure P-1), passed by the Deputy Commissioner, Hisar, appointing respondent No.5-Ajit son of Balwan as Chowkidar of Village Bhanbori, Tehsil Barwala, District Hisar.

It is the contention of learned counsel for the petitioner that the comparative merit of the candidates, who had applied for the post of Chowkidar of the village, has been detailed in the order passed by the Assistant Collector-II Class-cum-Tehsildar, Barwala, on 3.3.2017 (Annexure P-3). It is contended that the petitioner is younger in age and more persons, than respondent No.5-Ajit, have recommended the appointment of petitioner as the Chowkidar of the village. The authorities below, merely because respondent No.5-Ajit is more qualified than the petitioner, he being 10<sup>th</sup> Class pass whereas the petitioner is 8<sup>th</sup> Class pass, has been preferred over the petitioner, ignoring the factum of petitioner being more acceptable in the village. His further contention is that the appeal, which has been preferred by

the petitioner, has been rejected by the Deputy Commissioner, Hisar, vide order dated 10.10.2017 (Annexure P-1), on the wrong pretext that six respectable persons of the village have recommended the name of the petitioner whereas, there were 20 respectable persons who had recommended the name of the petitioner. He, thus, contends that the Appellate authority has also proceeded on a wrong assumption and therefore, the impugned orders as passed by the authorities, cannot sustain and deserve to be set aside.

I have heard the submissions made by learned counsel for the petitioner and have gone through the record of the case as well as the impugned orders.

It is correct that the Deputy Commissioner in the order dated 10.10.2017 has mentioned that six respectable of the village had recommended the name of the petitioner for appointment to the post of Chowkidar, but it appears to be a typographical error and, in any case, that not being the only reason for not considering the petitioner more meritorious than respondent No.5, as what has weighed on the mind of the Deputy Commissioner is the higher qualification of respondent No.5. Similarly, the position with regard to the order dated 3.3.2017 (Annexure P-3), passed by the Assistant Collector-II Class-cum-Tehsildar, Barwala, while appointing respondent No.5-Ajit as Chowkidar.

The contention of learned counsel for the petitioner that the petitioner is younger in age than respondent No.5, cannot be faulted with on facts. However, the difference between the age of the petitioner and respondent No.5 is little more than 3 years and therefore, that may not make much more difference. Other aspects with regard to both of them having good

character and having done social work and also being belonging to the same caste, the appointment of respondent No.5 on the ground he being more educated than the petitioner, cannot be faulted with.

In view of the above, finding no merit in the present petition, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)  
JUDGE

9.4.2019  
*Ashwani*

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|-------------------|---|--------|
| Speaking/Reasoned | : | Yes/No |
| Reportable        | : | Yes/No |