

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

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Civil Writ Petition No.19300 of 2018

Date of Decision: April 30th, 2019

Guranditta Singh

...Petitioner

Versus

The District Collector-cum-Deputy Commissioner, Faridkot and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mandeep Singh Sodhi, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 31.08.2017 (Annexure P-1) passed by the Assistant Collector Ist Grade, Jaiton, District Faridkot and order dated 12.04.2018 (Annexure P-3) passed by the District Collector-cum-Deputy Commissioner, Faridkot, wherein appointment of respondent No.3 as Chowkidar of Village Ghania, Tehsil Jaiton, District Faridkot, has been challenged.

2. It is the contention of learned counsel for the petitioner that the petitioner is much more educated than respondent No.3. He further contends that respondent No.3 is not the resident of Village Ghania and resides five kilometers away and, therefore, a person who is not a resident of the village, could not be appointed as Chowkidar of the village. His contention is that the petitioner is much more meritorious than respondent No.3 but still the Assistant Collector Grade I-cum-Sub Divisional Magistrate, Jaiton, vide order dated 31.08.2017 has proceeded to appoint respondent No.2- Kewal Singh son of Naranjan Singh as Chowkidar of the village. His contention is that the said order which has been challenged by the petitioner by filing an appeal before the District Collector-cum-

Deputy Commissioner, Faridkot, has wrongly been dismissed on 12.04.2018 (Annexure P-3) and thus the appointment of respondent No.3-Kewal Singh being not in consonance with the rules governing the selection, cannot sustain and deserves to be set aside.

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 including the impugned order.

4. As far as the first contention of learned counsel for the petitioner is concerned that the petitioner is well educated, the same cannot be accepted in the light of the fact that no document in support of the said assertion has been placed on record nor has it been mentioned as to which class he has passed. Even the affidavit which has been filed along with the writ petition has not been signed by him, rather it is only thumb-marked. Similar is the position with regard to the power of attorney which is again thumb-marked by the petitioner, whereas the Assistant Collector Ist Grade in the order dated 31.08.2017 has given a categoric finding that respondent No.3-Kewal Singh put his own signatures. He has been found to be healthy, active, answerable person and having good knowledge of works of Chowkidar. There is no dispute, quarrel with any person of the village apart from the fact that the Gram Panchayat has also made recommendation for his appointment as Chowkidar of the village.

5. As regards the contention of learned counsel for the petitioner that respondent No.3-Kewal Singh is not the resident of the village, suffice it to say that no document has been placed on record in support of the said assertion except for the bald assertion in the writ petition, rather the village residents and the Gram Panchayat have made recommendation for

appointment of the said respondent.

6. The choice of the competent authority, who is at the ground level, has to be given credence and should not be interfered with merely on the whims and fancies of the person, who has participated in the selection and failed, especially when there is nothing to substantiate the assertion/allegations.

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

April 30th, 2019
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No