

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

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**CIVIL WRIT PETITION NO.29350 OF 2018
DATE OF DECISION: JANUARY 09, 2019**

Jitender Singh

.....Petitioner

VERSUS

Financial Commissioner, Haryana, Chandigarh and others

....Respondents

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

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

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in the writ petition is to the order dated 06.08.2013 (Annexure P-2) passed by the Collector, Bhiwani (respondent No.3), whereby the recommendation made by the authorities below was not accepted and the matter was remanded back for fresh *munadi* and calling for fresh applications for filling up the post of Lambardar of Village Kayla, District Bhiwani, order dated 04.08.2014 (Annexure P-3) passed by the Commissioner, Hisar Division, Hisar (respondent No.2), rejecting the appeal of the petitioner and the order dated 20.07.2018 (Annexure P-4) passed by the Financial Commissioner, Haryana, (respondent No.1), whereby the revision preferred by the petitioner has also been dismissed.

It is the contention of learned counsel for the petitioner that the claim of the petitioner for appointment to the post of Lambardar has been rejected on the ground that there were two criminal cases pending against

the petitioner because of which he was found to be not suitable for appointment to the post of Lambardar. He contends that during the pendency of the appeal and the proceedings before the Financial Commissioner, he has ultimately been acquitted in those cases and, therefore, the disqualification attached to the appointment of the petitioner being no more available, the orders passed by the authorities below as impugned cannot sustain and deserve to be set-aside.

I have considered the submissions made by learned counsel for the petitioner and with his assistance have gone through the impugned orders.

It is a settled proposition of law that relevant date for determining the eligibility of a candidate is the last date of receipt of the application or at the most at the time of final consideration for appointment. The petitioner admittedly at that stage was facing criminal cases against him. The change in circumstances, such as acquittal in the criminal cases, would not make him eligible for consideration at the relevant date and, therefore, cannot be taken into consideration and has rightly been not accepted by the authorities below. The orders as passed by the competent authorities, which have been impugned in the present writ petition, being in accordance with law, do not call for any interference.

The writ petition, therefore, stands dismissed.

January 09, 2019
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(AUGUSTINE GEORGE MASIH)
JUDGE

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