

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

208

Civil Writ Petition No.4439 of 2017  
Date of Decision: December 17<sup>th</sup>, 2019

Ranbir

...Petitioner

Versus

The State of Haryana and others

...Respondents

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

Present: Mr. Ashwani Gaur, Advocate  
for Mr. Anil Kumar Sharma, Advocate  
for the petitioner.

Mr. Manish Dadwal, Assistant Advocate General, Haryana.

Mr. Chander Pal Tiwana, Advocate  
for Mr. R.S. Chahar, Advocate  
for respondent No.6.

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

Challenge in this writ petition is to the order dated 03.03.2015 (Annexure P-3) passed by the District Collector, Gurgaon-respondent No.3, whereby respondent No.6-Brij Pal son of Ran Singh was appointed as Lambardar of the village and the order dated 19.12.2016 (Annexure P-1) passed by the Financial Commissioner, Haryana, whereby the revision of respondent No.6 challenging the order dated 07.04.2016 (Annexure P-2) passed by the Appellate Authority i.e. Commissioner, Gurgaon, has been accepted.

2. It is the contention of learned counsel for the petitioner that the order dated 03.03.2015 (Annexure P-3) appointing respondent No.6 as the Lambardar of the village is not sustainable for the reasons, which have been assigned for non-considering the petitioner to be a candidate suitable for appointment to the post of Lambardar. Referring to the said order, it has been asserted that according to the Collector, merely because the petitioner

is more qualified and has spent more on his education, he would be a candidate, who is unsuitable for appointment to the post of Lambardar, which reasoning cannot be accepted. The other aspects go into oblivion in the light of this primary consideration, as has been made out by the Collector. He asserts that on an appeal preferred by him, Commissioner vide order dated 07.04.2016 (Annexure P-2), proceeded to set aside the appointment of respondent No.6 as the Lambardar and instead appointed the petitioner as the Lambardar, which order on challenge by respondent No.6, has been set aside by the Financial Commissioner vide order dated 19.12.2016 (Annexure P-1). Counsel for the petitioner states that the petitioner being better qualified should have been appointed to the post of Lambardar. He, therefore, prays that the writ petition be allowed and the impugned orders be set aside.

3. On the other hand, learned counsel for respondent No.6 submits that the choice of the Collector would be given precedence and due weightage and should not be interfered with unless there is patent perversity and illegality in the order. That basic principle has been put into force by the Financial Commissioner while allowing the revision petition of respondent No.6 and it being the settled preposition of law, no interference in the order passed by the Financial Commissioner upholding the appointment of respondent No.6 as the Lambardar of the village, is called for.

4. I have considered the submissions made by learned counsel for the petitioner as well as the counsel for respondent No.6 and with their assistance, have gone through the orders passed by the revenue authorities but do not find myself in agreement with either of them.

5. The order which has been passed by the District Collector, on perusal, cannot be accepted to be in consonance with law as the considerations which have weighed in the mind of the Collector, are unacceptable for rejecting the candidature of the petitioner. Education which is said to be and in fact, a light to a path on which the society and the population as a whole is called upon and endeavoured by the Government also to walk on, has been totally overlooked by the Collector in the order dated 03.03.2015 while observing that the petitioner would not qualify on the expectations of the people due to he having spent more on his education. This observation itself smells of perversity and, therefore, cannot be accepted. The basis of the order rejecting the candidature of the petitioner, thus, cannot be accepted. The appointment obviously of respondent No.6 is not being commented upon adversely, however, a fair chance should have been given to petitioner also to compete for the post of Lambardar, which in the light of the above observations, as mentioned of the District Collector, the petitioner has been deprived of.

6. In view of the above, this Court is of the opinion that the matter requires to be remanded back to the Collector for fresh decision on consideration of the comparative merit of the petitioner as well as respondent No.6 in accordance with law on the basis of the records already available.

7. Accordingly, the writ petition is allowed.

8. The order dated 03.03.2015 (Annexure P-3) passed by the District Collector, Gurgaon, order dated 19.12.2016 (Annexure P-1) passed by the Financial Commissioner, Haryana, as also the order dated 07.04.2016 (Annexure P-2) passed by the Commissioner, Gurgaon Division, Gurgaon,

are hereby set aside.

9. Parties are directed to appear before the District Collector, Gurugram, on **07.01.2020** at **10:00 AM**.

10. District Collector, Gurugram, shall thereafter, on the basis of the merit of the candidates and taking into consideration the relevant factors, proceed to pass a fresh order relating to the appointment of the Lambardar preferably within a period of three months from the date of appearance of the parties.

**December 17<sup>th</sup>, 2019**  
*Puneet*

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No