

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

Sr. No.224

**CWP-21904-2017 (O&M)
Date of decision : 29.09.2022**

Nurdeen

..... Petitioner

VERSUS

Deputy Commissioner-cum-Collector, Kurukshetra and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Naveen, Advocate for
Mr. Sanjiv Gupta, Advocate, for the petitioner.

Mr. Samarth Sagar, Addl. AG, Haryana

Mr. Vivek Goyal, Advocate, for respondent No.3.

SUDHIR MITTAL, J. (Oral)

The petitioner was appointed Chowkidar by the Sub Divisional Officer (Civil) vide order dated 28.02.2017. However, the appointment was set aside by the Collector in appeal filed by respondent No.3 and thus, the present writ petition has been filed.

Learned counsel for the petitioner has submitted that there was no perversity in the order of the Sub Divisional Officer (Civil) and thus, interference by the appellate Court was not called for. The appellate Court could not re-appreciate the merits of the parties and thus, the impugned order deserves to be set aside.

Learned counsel for respondent No.3 submits that respondent No.3 is more educated than the petitioner. He is Class-XII pass and the Sub Divisional Officer (Civil) has committed a patent error by noting his qualification as Class-X. Thus, the order was perverse. There is no

illegality in the order of the appellate Court and accordingly, the writ petition deserves to be dismissed.

In rebuttal, learned counsel for the petitioner submits that the prescribed qualification for the post of Chowkidar is Class-X only. Even if, respondent No.3 is more qualified, it makes no difference.

From the facts aforementioned, it is clear that the petitioner was the choice of the Sub Divisional Officer (Civil). His name was recommended by the Panchayat as well as by the subordinate revenue official(s) as is evident from the perusal of the order dated 28.02.2017 passed by the Sub Divisional Officer (Civil). The minimum prescribed qualification for the post of Chowkidar is Class-X and the same is possessed by the petitioner. Thus, even if, the Sub Divisional Officer (Civil) has considered qualification of respondent No.3 as Class-X instead of Class-XII, the order would not be rendered perverse. The appellate Court could not have interfered with the said order only because it held a different point of view.

Accordingly, the writ petition is allowed. Impugned order dated 22.08.2017 (Annexure P-5) is quashed.

(SUDHIR MITTAL)
JUDGE

29.09.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No