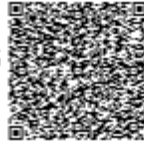


2024:PHHC:114864-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115)

LPA-2101-2024 (O&M)

Decided on : 03.09.2024

Gurvinder Singh

.....Appellant(s)

Versus

Deputy Commissioner, District Patiala & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr.Kunal Choksi, Advocate for the appellant (s).

Ms.Arundhati Kulshreshtha, AAG, Punjab.

G.S. Sandhawalia, J.(Oral)

CM-4970-LPA-2024

1. Application for condoning the delay of 11 days in filing the appeal is condoned in view of the averments made in the application, duly supported by affidavit of the appellant. Delay of 11 days in filing the appeal is hereby condoned.

2. CM stands disposed of.

LPA-2101-2024

3. Consideration in the present appeal is to the judgment dated 17.07.2024, passed by the Learned Single Judge wherein he has opted not to exercise the extraordinary jurisdiction and dismissed the writ petition, upholding the orders passed by the authorities below whereby private-respondent No.3-Jaswinder Singh was appointed as Chowkidar.

4. Counsel for the appellant has vehemently submitted that on merits the appellant is a better candidate and therefore, the authorities below including the Learned Single Judge was not justified in upholding the said orders appointing the private-respondent over the appellant.

5. A perusal of the order of the Sub-Divisional Magistrate dated 08.06.2017 (Annexure P-2) would go on to show that there were 2 candidates in the race, i.e. the appellant and the private-respondent and both had interacted with the SDM and the said officer came to the conclusion that the private-respondent is a more suitable candidate. Only on account of the appellant being 7th class pass while the private-respondent is 6th class pass, cannot be a ground for us to substitute the opinion of the SDM who interacted with both the candidates and came to the conclusion that the private-respondent was a better candidate.

6. The Deputy Commissioner, in appeal, also dismissed the same while reaching to the same conclusion. In the absence of any perversity or illegality in the appointment procedure, we feel that the Learned Single Judge was also justified in not interfering in the appointment of private-respondent by the SDM as Chowkidar which has been approved by the Lower Appellate Authority.

7. Resultantly, in view of the above discussion, the present appeal is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

03.09.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No