

2024PHHC:148315



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

**CWP-30630-2024
Date of Decision: 13.11.2024**

Buta Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amandeep Soni, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL.)

Petitioner (Buta Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside order dated 10.01.2019 (Annexure P-4) passed by the learned District Collector, Hoshiarpur; whereby respondent No.5 (Chanchal Singh) was appointed as the Lambardar of Village Bainstaniwal, Tehsil and District Hoshiarpur; order dated 07.09.2022 (Annexure P-5) passed by the learned Commissioner, Jalandhar Division, Jalandhar and order dated 13.05.2024 (Annexure P-6) passed by the learned Financial Commissioner (Appeals), Punjab.

2. Briefly, on account of demise of Sh. Beant Singh, previous Lambardar of Village Bainstaniwal, Tehsil and District Hoshiarpur; proceedings for filling up the said vacancy were initiated. In pursuance to the proclamation carried out for filling up the aforesaid vacancy, seven applications (including the one submitted by the petitioner and another by respondent No.5) were received.

2.1 It appears that the learned Collector, Hoshiarpur, after considering the relative merits and demerits of the candidates, appointed respondent No.5 (Chanchal Singh) as Lambardar of Village Bainstaniwal vide order dated 10.01.2019 (Annexure P-4).

2.2 Feeling aggrieved against the aforesaid order (Annexure P-4), petitioner preferred an appeal before the learned Divisional Commissioner, Jalandhar, which was dismissed vide order dated 07.09.2022 (Annexure P-5).

2.3 Being dissatisfied against the aforesaid order (Annexure P-5), petitioner preferred the revision petition (ROR No.212 of 2023) before the learned Financial Commissioner (Appeals), Punjab; however, the same was also dismissed vide order dated 13.05.2024 (Annexure P-6).

3. In the aforementioned circumstances, petitioner has filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove.

4. Heard.

5. In view of the law laid down by the Hon'ble Supreme Court in ***“Mahavir Singh v. Khiali Ram and others”***, 2009(1) RCR (Civil) 757; which was further followed by a Division Bench of this Court in ***“Phool Kumar v. State of Haryana and others”***, 2010(2) RCR (Civil) 819, it is well settled that the choice of learned Collector is not to be lightly interfered

with, even if two views are possible.

6. There are concurrent findings recorded by the revenue authorities below in favour of respondent No.5, who is an ex-serviceman and is more qualified than the petitioner, having educational qualification of pre-university.

7. Learned counsel for the petitioner has not been able to point out any illegality or perversity in order dated 10.01.2019 (Annexure P-4) passed by the learned District Collector, Hoshiarpur; which was further affirmed by the learned Divisional Commissioner as well as the learned Financial Commissioner.

8. In view of the aforesaid discussion, I do not find any merit in this writ petition and the same is accordingly dismissed. The order dated 10.01.2019 (Annexure P-4) passed by the learned District Collector, Hoshiarpur, appointing respondent No.5 as Lambardar of Village Bainstaniwal, Tehsil and District Hoshiarpur; as affirmed by the learned Commissioner, Jalandhar Division, Jalandhar vide order dated 07.09.2022 (Annexure P-5) as well as the learned Financial Commissioner (Appeals), Punjab vide order dated 13.05.2024 (Annexure P-6); is hereby upheld.

9. All pending application(s), if any, shall also stand closed.

13.11.2024

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No