

**LPA-2691-2024 (O&M)**

2025:PHHC:064051-DB



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

**CM-6551-52-LPA-2024 in/and  
LPA-2691-2024**

**Date of Decision: May 12, 2025**

**Julfan Mohd.**

.....Appellant

**Versus**

**State of Haryana and others**

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL  
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Narinder Kumar Beniwal, Advocate for the appellant.

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**LISA GILL, J.**

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1. Heard learned counsel for appellant.
2. For reasons mentioned in the applications as well as arguments addressed, delay of 545 days in re-filing and 45 days in filing the appeal is condoned.
3. Applications are, accordingly, disposed of.

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1. Prayer in this appeal is for setting aside order dated 01.02.2023 passed by learned Single Bench whereby CWP-14284-2022 filed by appellant/writ petitioner has been dismissed.

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2. Brief facts necessary for adjudication of the matter are that CWP-14284-2022 was filed for setting aside order dated 26.04.2017 passed by learned Collector, Yamuna Nagar whereby respondent No. 4 was appointed as Lambardar of village Peerwali besides orders dated 12.10.2021 and 08.03.2022 passed by learned Commissioner, Ambala whereby appeal and Review application filed by appellant were dismissed. He also sought setting aside of order dated 25.04.2022 whereby revision petition filed by him was dismissed by Financial Commissioner, Haryana, Chandigarh.

3. As per the pleaded facts, proceedings were initiated for filling up the post of Lambardar of village in question on account of death of earlier Lambardar. Four candidates including present petitioner and respondent No. 4 applied for the same. Father of appellant also applied for the post in question. Applications by two of the candidates were withdrawn leaving the present appellant and respondent No. 4 in fray. Sub Tehsildar, Sadhaura as well as Tehsildar, Bilaspur found respondent No. 4 more suitable for appointment to the post of Lambardar and case was forwarded to Sub Divisional Officer (Civil), Bilaspur, who also recommended respondent No. 4 for appointment as Lambardar. Collector vide order dated 26.04.2017, upon considering the relative merit and demerits of both the candidates, directed appointment of respondent No. 4 as Lambardar of the village. It was opined by learned Collector that respondent No. 4 was Graduate in comparison to appellant who was a Matriculate, respondent No. 4 had been recommended by all the Revenue Officers besides having participated in development projects, offered donation to various Societies, was a blood

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donor, had inspired people to make small investments, was 28 years of age and was overall found to be more suitable for appointment as Lambardar.

4. Appeal, Review and Revision filed by appellant were all dismissed by the various authorities as noted in foregoing paras. Divisional Commissioner in his order dated 12.10.2021 has taken note of the argument on behalf of respondent No. 4 to the effect that Matriculate certificate produced by present appellant was forged and upon verification carried out by SDO (Civil), Bilaspur, reference had been made to letter dated 03.08.2017 whereby State Open School Academic Institute informed that certificate of appellant was not issued by said Institute and that Secretary Secondary Education Council had informed that certificate produced by appellant was not admissible. Grandfather of present appellant, it was stated, was a defaulter of Electricity Department and appellant not paid the dues pending on behalf of his grandfather.

5. Learned Single Bench on considering the arguments as raised on behalf of appellant came to the conclusion that there is no merit in the writ petition, which was accordingly dismissed. Aggrieved therefrom, present appeal has been filed.

6. Learned counsel for appellant vehemently argues that learned Single Bench has grossly erred in dismissing CWP-14284-2022 filed by appellant. It is submitted that certificate of matriculation submitted by petitioner is valid and averment that it is fake and forged is incorrect. It is further submitted that learned Single Bench has not taken cognizance of fact that father of respondent No. 4 has illegally encroached upon Panchayat land. Present appellant is also of about the same age as respondent No. 4 and

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is more meritorious than respondent No. 4. Having higher educational qualification cannot give an edge to respondent No. 4 inasmuch as minimum educational qualification for the post of Lambardar is passing of 8<sup>th</sup> standard. It is, thus, prayed that this appeal be allowed, impugned order dated 01.02.2023 be set aside and CWP-14284-2022 be allowed as prayed for.

7. We have heard learned counsel for appellant and have perused the file with his able assistance, however, we do not find any ground whatsoever to cause interference in this matter.

8. It is a settled position that choice of District Collector is not to be interfered with in a routine manner and it can be set aside only in case there is some perversity or illegality in the said order or it is founded on perverse extraneous or irrelevant considerations. Reference in this regard has been correctly made by learned Single Bench to judgment of Hon'ble the Supreme Court in **Mahavir Singh vs. Khiali Ram and others, 2009 (3) SCC 439**. Reference can also be made to decision dated 05.03.2020 of Co-ordinate Bench of this Court in **LPA-260-2020 (Harvinder Singh versus Financial Commissioner (Revenue) and others)**.

9. It is a matter of record that in respect to averment of Matriculation certificate of appellant being forged, there is no rebuttal to verification of same by Sub Divisional Officer (Civil), Bilaspur. Plea that father of respondent No. 4 had illegally encroached upon panchayat land was found to be misconceived by learned Single Bench on the ground that no such argument had ever been raised by appellant before the Collector or Commissioner neither was there any material on record to substantiate such assertion. Reliance upon jamabandi for the year 2016-17 was found to be of

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no avail to appellant as it emerged that father of respondent No. 4 alongwith several other persons were reflected in the cultivation column of said jamabandi with land being in the ownership of *Shamlat Deh Hasab Hissa Paimana Malkiat*. It is rightly observed by learned Single Bench that even assuming the said land vests in gram panchayat even then *ipso facto* in the absence of any specific material on record, it cannot be said that father of respondent No. 4 is in illegal position of such land which could be in his possession as lessee or licensee too.

10. Learned counsel for appellant is unable to point out any illegality, infirmity or irregularity in impugned order dated 01.02.2023 which calls for interference.

11. No other argument has been addressed.

12. Appeal being devoid of any merit is, thus, dismissed.

**(LISA GILL)**  
**JUDGE**

**(SUDEEPTI SHARMA)**  
**JUDGE**

**May 12, 2025**

Rts

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No