

LPA-2217-2024 (O&M)

2025:PHHC:082482-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-2217-2024 (O&M)
Date of decision: 09.07.2025

MURTI DEVI Appellant(s)
Versus

STATE OF HARYANA AND OTHERS Respondent(s)

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

Present: Mr. Vikram Singh, Advocate for appellant.

LISA GILL, J.

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Heard.

For reasons mentioned in the application and arguments addressed, application is allowed as prayed for and delay of 18 days in filing of present appeal is condoned.

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1. Prayer in this appeal is for setting aside order dated 23.07.2024, passed by learned Single Bench, whereby CWP-15210-2023, filed by appellant/writ petitioner has been dismissed.

2. Appellant-writ petitioner filed CWP-15210-2023 for setting aside order dated 04.12.2017, passed by Collector, Jind whereby respondent no.4 – Azad Singh was appointed as Lambardar of village Sudakan Khurd, Tehsil Narwana, District Jind. Writ petitioner also sought setting aside of order dated 24.01.2023, passed by Financial Commissioner, Haryana as well as order dated 04.12.2017, passed by Collector, Jind and to uphold order dated 30.03.2018.

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3. Brief facts necessary for adjudication of the appeal are that upon the post of Lambardar at village Sudakan Khurd falling vacant upon demise of Mr. Tara Chand, proceedings were initiated for filling up the said vacancy. Nine applications including the one submitted by appellant-writ petitioner and respondent no.4 were received. Six candidates withdrew their candidature in favour of respondent no.4. One of the candidates namely Ravish did not appear, with only two candidates remaining in the fray. Writ petitioner's name was recommended for appointment to the post of Lambardar by Assistant Collector 2nd Grade, Narwana while Assistant Collector 1st Grade recommended respondent no.4 for appointment to the said post. Collector, Jind vide order dated 04.12.2017 upon considering the relative merits and demerits of candidates appointed respondent no.4 as Lambardar. Appeal filed by appellant-writ petitioner was allowed by the Commissioner on 30.03.2018 and matter remanded to Collector for decision afresh. It was observed by the Commissioner that there appears to be variation in the age of respondent no.4 as projected and a detailed inquiry is required in this respect. Reference was also made to some discrepancy in relationships with the deceased Lambardar in the documents on record besides allegation of fake donation receipt by the present writ petitioner who was also alleged to be in unauthorized possession and her father-in-law a defaulter qua the Electricity Department, which was statedly cleared after proceedings for appointment of Lambardar were initiated. Revision filed by respondent no.4 was allowed by Financial Commissioner, Haryana vide order dated 24.01.2023 with the observation that order passed by the Commissioner was not sustainable and amounted to splitting hairs. Aggrieved therefrom appellant filed CWP-15210-2023.

4. Learned Single Bench on considering the facts and circumstances concluded that there was no scope for interference in the choice of Collector,

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Jind, who had appointed respondent no.4 as Lambardar. Aggrieved therefrom present appeal has been filed.

5. Learned counsel for appellant argues that learned Single Bench has erred on facts and in law and that impugned order dated 23.07.2024 is not sustainable. Present appellant, it is submitted, is definitely more meritorious than respondent no.4 and that she is also the daughter-in-law of deceased Lambardar, therefore, she should be appointed to the said post.

6. We have heard learned counsel for appellant and have perused file but do not find any ground whatsoever to cause interference in this matter. Comparative merits and demerits of candidates as reproduced in para 17 of impugned order dated 23.07.2024 read as under:-

S. No.	Particulars	Petitioner	Respondent no.4
1.	Age (as per order dated 04.12.2017 passed by learned District Collector, Jind)	29 years	27 years
2.	Educational qualification	10+2	B.A. Part II
3.	Land holding/s	1 Kanal – 12 Marla	57 Kanal – 10 Marla
4.	Recommended by	Assistant Collector 2nd Grade	Assistant Collector 1st Grade

7. It is a matter of record that there is not much of a difference in the age of both the candidates. Respondent no.4 is more educated than petitioner. Collector, Jind vide order dated 04.12.2017 found respondent no.4 to be a more meritorious candidate. Argument that there is a variation in the age of respondent no.4 projected before the authorities has been correctly dealt with by the Financial Commissioner. Matriculation certificate of respondent no.4, issued by Board of School Education, Haryana (Haryana Open School) records his date of birth as 08.08.1989 as is recorded in his driving license as well as Aadhar Card, though, the year of birth is recorded as 1988 in the Voter Identity Card, issued by Election Commission of India. Furthermore,

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relationship of a candidate with the deceased Lambardar cannot be a consideration for appointment to the said post and is indeed irrelevant.

8. Moreover, it is a settled position that choice of the Collector in respect to appointment to the post of Lambardar should not be set aside until and unless there is patent illegality or perversity pointed out therein. Interference is also not called for only on the ground that two views may be possible. In this respect gainful reference can be made to judgments of this High Court in *Neeraj Kumar Vs. State of Haryana and others, 2013(4) RCR (Civil)* and *Sukhminder Singh Vs. the Financial Commissioner and others 1992 PLJ 325*.

9. Learned counsel for appellant is unable to point out any infirmity, irregularity or perversity in the impugned order dated 23.07.2024, passed by learned Single Bench, which is accordingly upheld.

10. No other argument has been addressed.

11. Keeping in view the facts and circumstances as above, this appeal is accordingly dismissed with no order as to cost.

12. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

09.07.2025

Sunil

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No