
(2012) 03 SHI CK 0056
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 8847 of 2008

Sh. Dola Ram

APPELLANT

Vs

The State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 06-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0056

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Advocate : R.S. Gautam, for the Appellant; Rajinder Dogra, Additional Advocate General with Mr. Vikas Rathore, D.A.G. for respondents No. 1 to 3 and 5 and None for respondent No. 4, Mr. Trilok Jamwal, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sharma, Judge

1. Petitioner has assailed the appointment of respondent No. 6 as Part Time Water Carrier in Government Primary School Chowai Dhar, Block Anni, District Kullu. The interviews were held on 16th July, 2002 and the result was declared by the duly constituted selection committee on 16th September, 2002. The name of respondent No. 6 was recommended and he was offered appointment. However, the case of petitioner has not been considered by the selection committee on the ground that he did not belong to Gram Panchayat, Kungas. Mr. R.S. Gautam, learned counsel for the petitioner has strenuously argued that the candidature of the petitioner was required to be considered by the selection committee. According to him, father of the petitioner has also donated land for the construction of School.

2. Mr. Rajinder Dogra, learned Deputy Advocate General and Mr. Trilok Jamwal, learned counsel for respondent No. 6 have supported the selection of respondent No. 6.

3. I have heard the learned counsel for the parties and gone through the

pleadings carefully.

4. Respondent No. 6 has secured 24 marks. The candidature of the petitioner was not considered since the Government Primary School Chowai Dhar falls in Gram Panchayat, Kungas and not in Gram Panchayat, Karana. State was also directed to file a supplementary affidavit clarifying therein whether the Government Primary School, Chowai Dhar falls in Gram Panchayat Kungas or Gram Panchayat, Karana. Supplementary affidavit has been filed. According to the averments contained in the supplementary affidavit, Government Primary School, Chowai Dhar falls in Gram Panchayat Kungas at Anni. In these circumstances, the candidature of petitioner could not be considered for the post of Part Time Water Carrier in Government Primary School, Chowai Dhar.

5. Respondent No. 6 has stated in the reply that the petitioner has not donated the land, but, in fact, he has sold the land. Petitioner has not chosen to file any rejoinder to the same. Accordingly, there is no merit in this petition and the same is dismissed, so also the pending application(s), if any. No costs.