

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ WP (C) No. 4756/02

% Date of decision August 12,2008

Surinder Kumar
Through: ...PETITIONER
Mr. M.K. Bhardwaj
and Ms. Priyanka
Bhardway Advocates

Versus

Union of India & Ors.
Through: RESPONDENTS
Ms. Preeti
Dalal, Advocate
for Maneesha
Dhir Advocate

CORAM:
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE MOOL CHAND GARG

- | | | |
|----|---|----|
| 1. | Whether the Reporters of local papers may be allowed to see the judgment? | No |
| 2. | To be referred to Reporter or not? | No |
| 3. | Whether the judgment should be reported in the Digest? | No |

SANJAY KISHAN KAUL, J. (Oral)

1. The petitioner has filed this writ petition seeking direction in the nature of certiorari for setting aside the letter dated 13.7.2001 by which the selection of the petitioner as a Head Constable/Driver in the open selection conducted by the respondent has been recalled/cancelled on the ground, that the petitioner did not produce a three years experience certificate vide Reference Zonal HQ Letter No.

E-3201/(1)/15/19WZ/(R&T)/525 dated 12.1.2001 from the Commandant of the Unit where he was working as WC.

2. The petitioner describes the aforesaid action of the respondent as arbitrary and discriminatory in as much as, the petitioner not only submitted experience certificate at the time of moving of his initial application but after his selection also he submitted a certificate issued by the Deputy Commandant CISF and MTO dated 31.10.1998.

3. On behalf of the respondent, it has been submitted, that not only the certificate produced by the respondent at the time of his initial selection was improper, the experience certificate for three years which was required to have been issued by a Commandant or a Gazetted Officer from the unit before relieving him for basic training was not produced by him. The experience certificate issued to the petitioner by the Deputy Commandant was not in order. While admitting that the applicant was selected for the post of Head Constable/Driver at recruitment Centre, CISF Unit, SPM Hoshangabad, it is stated that his selection was subject to production of experience certificate for three years from concerned unit Comdr or any GO's from unit which relieved him for basic training vide DIG (W/Z) HQ. Letter No. E-32024/(1)/158/19/WZ (R&T)/14096 dated 29.12.2000. Even otherwise it has been contended that the experience certificate produced by the petitioner at the time of his recruitment was issued under the signature of M.T.O. RCFL Mumbai is not a valid documents as the driving license produced by the individual itself was issued on 13.12.1996 whereas he produced experience certificate from Laxmi Transport, Transport Contractor, New Delhi for the period from 10.1.1995 to 20.11.1996 i.e.

of a period before the issuance of a valid driving license to the petitioner.

4. It has been submitted that the individual was asked to produce experience certificate as per the condition mentioned in letter dated 29.12.2003 by the Zonal Headquarters but he did not produce the same which was essential for confirmation of his provisional selection to the post of Head Constable/Driver.

5. We have heard the parties and have perused the record. There is no dispute, that the selection of the petitioner for the post of HC/Driver conducted by DIG CISF (WZ) Mumbai (Maharashtra) Hoshangabad was subject to furnishing a three years experience certificate in driving either in LMV/HMV to have been issued by the Commandant Officer/Gazetted Officer of the unit where the petitioner had been working before his selection. However, no such certificate has been produced. The Commandant Officer vide his letter dated 03.2.2001 informed the Deputy Inspector General, CISF, Mumbai that the petitioner was neither ordered to drive the vehicle nor he drove any vehicle in the unit during the tenure of the Commandant and the MTO Unit who had issued driving certificate without the information. Hence, the certificate could not be treated as valid. The reasons for cancelling the candidature of the appellant stands mentioned in the letter of Dy. Inspector General (W/Zone) dated 14/15.3.2001 which for the sake of reference is reproduced hereunder:-

**"SUB: RECRUITMENT OF HC (DVR/DCPO) IN
CISF.**

*Reference FHQrs letter No. E-32024/2/2000/RECT/1807
dated 20th Dec' 2001.*

*2. It is submitted that No. 962260065 W/C
Surender Kumar of CISF Unit, RCFL Mumbai was*

selected as HC/Dvr during the recruitment held at CISF Unit, SPM H'bad vide FHQrs letter cited under reference. His candidature was approved by this office subject to production of valid experience certificate for 03 years as he produced experience certificate issued under the signature of MTO, RCFL Mumbai (copy enclosed) which was not in order. Comdt. CISF Unit, RCFL Mumbai was requested to ascertain the facts before issue of offer of appointment that above named individual is having driving experience for three years before relieving him for basic training.

3. Now, Comdt. CISF Unit, RCFL Mumbai vide his letter No. E-32026/CISF/RCFL/Rect/HC (Dvr) 2001/561 dated 03.02.2001 (copy enclosed) has intimated that the experience certificate issued by MTO is not valid as the same was issued to the individual without any information/permission from Comdt. CISF Unit RCFL Mumbai.

4. It is therefore, requested that his candidature for the post of HC/Dvr may please be cancelled and another candidate as per merit may be selected in his place.

*Sd/-
Asstt. Inspector
General (WZ)
For Dy. Inspector
General (W/Zone)"*

6. Having examined the two certificates i.e. experience certificate produced at the time of the initial selection and the certificate produced by him after his selection, we are satisfied that the certificates were neither valid nor were in accordance with the pre-condition of his selection.

7. Thus, we do not find any reason to interfere in the matter as the satisfaction arrived at by the respondent is based upon the record.

Hence, the writ petition is dismissed.

SANJAY KISHAN KAUL, J.

AUGUST 12, 2008
rk

MOOL CHAND GARG, J

