

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

CWP No.13924 of 2012

DATE OF DECISION:26.02.2015

Bhim Singh

...Petitioner

Vs.

State of Haryana & anr.

...Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Surinder Lamba, Advocate
for the petitioner.

Mr. R.K.S.Brar, Addl. Advocate General, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

By filing the instant writ petition, the petitioner has assailed the selection and appointment made by respondent authorities to the post of drivers in pursuance to a selection process initiated vide advertisement No.3/2009.

Brief facts are that the Secretary, Haryana Staff Selection Commission issued advertisement dated 06.08.2009 inviting applications to fill up 1885 posts of drivers(HTV). The qualification prescribed was matriculation and having heavy driving license with two years driving experience on heavy goods vehicle including driving a heavy passenger motor vehicle.

The petitioner who claims himself to be eligible for the post of driver had applied in response to the advertisement and has not been selected.

Counsel appearing for the petitioner has argued that in the process

of selection, the petitioner has been assigned 35.03 marks and whereas the last candidate selected has been granted 39 marks. It is the assertion made by the counsel that no additional weightage in spite of having considerable experience as driver of a heavy passenger motor vehicle has been granted. That apart it has also been argued that the petitioner has been discriminated against at the stage of interview in as much as he has been deliberately assigned less marks and on the other hand certain candidates have been awarded high marks to ensure their selection. In a nut shell it has been argued that the entire selection process stands vitiated.

Upon notice of motion having been issued, a joint written statement on behalf of respondents No. 1 & 2 has been filed and placed on record.

Appended alongwith the written statement as annexure R-2/1 is the criteria that was formulated on 27.03.2009 i.e. much prior to the issuance of the advertisement, as regards selection for the post of drivers(HTV). As per such criteria total marks assigned were 75 and out of which 45 marks were earmarked for the essential qualification i.e. matric (0.45 of the percentage of marks obtained in the matriculation examination to be awarded). A maximum of 5 marks were earmarked towards experience i.e. over and above the required minimum requisite experience of two years. 25 marks were earmarked for vice voce to assess the knowledge of subject, communications skill, general knowledge, general awareness and intelligence.

The respondent authorities have controverted the assertion made on behalf of the petitioner in so far as non grant of marks towards experience is concerned. It has been stated that the petitioner was granted 3 marks

towards experience on account of possessing 4 years and 3 months of driving experience. This has been clarified by the learned State counsel by submitting that two years of driving experience was taken toward possessing the requisite essential driving experience required and for the balance of two years and four months, 3 marks have been awarded. In so far as essential qualification of matriculation is concerned the petitioner concededly had secured 267 marks out of total of 600 and by following the criteria of awarding 0.45 of the percentage of the marks obtained in matriculation, the petitioner has been awarded 20.3 marks. In the vice voce the petitioner was awarded 12 marks whereby making a total of 35.03 marks. The last selected candidate had secured 39 marks.

Under such circumstances no infirmity can be found in so far as the petitioner having not been selected for the post of driver.

In so far as the plea raised on behalf of the petitioner of discrimination at the stage of interview is concerned, the same also cannot be sustained as the present petition is completely bereft as far as any allegations of mala-fides are concerned. A vague plea of being under-assessed at the stage of interview without being corroborated by any supporting averments in relation to bias & nepotism cannot be entertained.

For the reasons recorded above, there is no merit in the instant petition and the same is dismissed.

26.02.2015
rimpal

(TEJINDER SINGH DHINDSA)
JUDGE