

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.20947 of 2014
Date of Decision: July 22, 2015

Vijay

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Bhupinder Singh Bairagi, Advocate,
for the petitioner.

Mr.Keshav Gupta, AAG, Haryana,
for the State.

AMIT RAWAL, J. (Oral)

Challenge in the present writ petition is to the impugned order dated 24.4.2014 (Annexure P-5), whereby the General Manager, Haryana State Transport, Gurgaon, on the basis of the verification report received vis-a-vis the driving licence No.33096/CG, which has been found to be fake, has withdrawn the appointment letter dated 19.1.2014 issued in favour of the petitioner. He further ordered for cancellation of the selection on the post of driver.

Mr.Bhupinder Singh, learned counsel appearing on behalf of the petitioner submits that the petitioner had obtained information under the Right to Information Act from the District Transport Officer, Chura

Chandpur, Manipur with regard to the aforementioned licence and as per the said report, the driving licence was allegedly issued on 10.10.2001, which was valid upto 9.10.2004. According to the petitioner, the driving licence was issued for class of vehicle, i.e., MC/LMV/HTV. He further submits that the aforementioned driving licence was later on renewed from the office of Licensing Authority, Jhajjar, Bahadurgarh and, therefore, the withdrawal of the selection and cancellation of the appointment letter is bad in law as the petitioner is duly eligible to drive the HMV.

Mr.Keshav Gupta, learned Assistant Advocate General, Haryana appearing on behalf of the State submits that the information obtained by the petitioner under the right to Information Act (Annexures P-6 and P-7) with regard to the validity of driving licence No.33096/CG cannot be taken into consideration as its genuineness and authenticity is under doubt. He further submits that even from the perusal of Annexure P-4, the driving licence was renewed only on 25.10.2013, though the back page thereof mentions the date as 26.10.2004, thus, it is not a complete copy of the renewed driving licence and even the back page of Annexure P-4 does not bear the old driving licence number. He further submits that the impugned order is legal and justified and has been passed after seeking verification report from the office of District Transport Officer, Chura Chandpur, Manipur.

I have heard the learned counsel for the parties and appraised the paper book.

During the course of arguments, on going through the contents of the paper book, I found that the driving licence bearing No.33096/CG,

alleged to have been issued by the office of D.T.O. Manipur, has not been annexed with the petition. I have called upon the learned counsel for the petitioner to pass on copy thereof. The same has been handed over to the Court. It is a single piece of paper having driving licence number and alleged photograph of Vijay Kumar and not in a booklet form, much less, in accordance with the provisions of Motor Vehicles Act. It does not bear the blood group and even the signatures of the person having a photograph. I am left with no option but to extract the same, which is as under:-

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33096
Shri Vijay
S/o Sahab Singh
V&PO Ladrawan
Distt.Jhajjar (JHR)
PA-SFC BSF CC Pav
DOB: 18.7.1981
Description: (HTV/LMV/MC)
Validity: 10.10.2001 to 9.10.2004.”

Even from the perusal of Annexure P-4, the alleged back page of the renewal does not bear the original licence number and it was originally issued on 26.10.2004. As per the provisions of the Motor Vehicles Act, licence to drive HTV is issued only for three years. The petitioner has failed to place on record the renewal for the period starting from 2007 and 2010 and has only attached the front page of the alleged renewal done on 25.10.2013, which ofcourse bears the signature of the petitioner which is allegedly valid valid for another three years, i.e., upto 19.10.2016. The petitioner has not made any effort to make representation to the State to prove that the driving licence bearing No.33096 was actually

issued by the office located at Manipur. Even otherwise, I am not made to believe the authenticity and genuineness of the information received by the petitioner under the Right to Information Act as the said information has not been conveyed to the petitioner by the Public Information Officer, but only by the D.T.O. Even there is no reference to the letter of the petitioner, which purportedly has been replied by the D.T.O. Manipur. Even otherwise, as per the provisions of Section 15 of the Motor Vehicles Act, the driving licence is to be renewed within a period of thirty days from the date of its expiry, otherwise, its validity would be effected from the date it is renewed. The order of withdrawal of the appointment letter and cancellation of selection is clearly legal and justified as the petitioner has not been able to belie such observations recorded in the impugned order. Even the documentary evidence annexed does not cut the ice.

In view of what has been observed above, the impugned order dated 24.4.2014 (Annexure P-5) is upheld. Resultantly, the writ petition is dismissed.

July 22, 2015
ramesh

(AMIT RAWAL)
JUDGE