

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

CWP No.3930 of 2015(O&M)

Date of decision : 09.03.2015

Sanjay

..... Petitioner

VS

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Narender Malhotra , Advocate for the petitioner.

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?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the action of the respondents in not allowing him to join. The petitioner had applied for the job of a bus driver with the Haryana Roadways and had relied upon a licence No.23966/MPR/02 dated 27.6.2002 issued by the Licencing Authority, DTO, Mathura, UP. The petitioner was duly selected and was issued appointment letter and, in the interregnum the particulars of his licence were sent for verification to the Licencing Authority, DTO, Mathura. As per Annexure P-6 he was not permitted to join because on verification Licencing Authority, DTO, Mathura had informed the department that the licence No. 23966/MPR/02 dated 27.6.2002 which had been issued to the petitioner was issued only for

motor cycle and LMV and was not issued for a heavy vehicle. The department also found that on the date of issuance of the licence the petitioner was less than 18 years old. Consequently the petitioner was not permitted to join.

Learned counsel has argued that the reason given by the department cannot hold good because on the date of the driving test i.e. 25.04.2013 he was above 18 years. As regards the allegation that the original licence was issued only for motor cycle and LMV learned counsel submits that this reason did not weigh with the department while refusing him permission to join.

In my considered opinion both the arguments of learned counsel are fallacious. There is no averment in the writ petition that the report of the Licencing Authority, DTO, Mathura to the effect that the petitioner was not granted a licence for driving Heavy Motor Vehicles, is wrong. Consequently on this ground alone the petitioner is disentitled for the job. Even as regards the argument raised by learned counsel it has to be held that once the initial licence was wrongly granted before the age of 18, the mere fact that at the time of driving test the petitioner was above 18 would not validate the same.

The petition is dismissed.

(AJAY TEWARI)
JUDGE

March 09, 2015
sunita