

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

LPA No. 861 of 2015 (O&M)

DATE OF DECISION : 29.05.2015

Sanjay

.... APPELLANT

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. N.K. Malhotra, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 09.03.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 3930 of 2015) filed by the appellant seeking direction to the respondents to allow him to join the post of Bus Driver in the Haryana Roadways, has been dismissed.

Though there is delay of 51 days in filing the instant appeal and the appellant has filed an application (CM No. 1795-LPA of 2015) for condonation of said delay, yet we have heard learned counsel for the appellant and have gone through the impugned order.

Undisputedly, the appellant was selected for the post of Bus Driver in the Haryana Roadways. While submitting his application, the

appellant had relied upon licence No. 23966/MPR/02 dated 27.06.2002 issued by the Licencing Authority, DTO, Mathura, U.P. As per condition of the appointment, the selected candidate must possess a valid driving licence for driving heavy vehicles. Undisputedly, on verification, licence No. 23966/MPR/02 dated 27.06.2002, relied upon by the appellant was found to be issued for driving motor cycle and Light Motor Vehicles. It was also found that when the said licence was applied, the appellant was less than 18 years of age. On the basis of these facts, the appellant was not permitted to join the post of Driver, though he was selected for the same. The learned Single Judge has dismissed the writ petition filed by the appellant, while making the following observations :-

“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.”

After hearing learned counsel for the appellant, we do not find any reason to differ with the aforesaid observations, as even today the appellant does not possess a valid driving licence for driving Heavy Motor

Vehicles and the driving licence, which was relied upon by the appellant, was obtained by him, when he was below 18 years of age.

Thus, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

May 29, 2015
ndj

**(HARINDER SINGH SIDHU)
JUDGE**