

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

**CWP No. 26948 of 2015 (O&M)
Date of Decision : 30.11.2016**

Rambir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Jasdev Singh Thind, Advocate for the petitioner.

Mr. Harish Rathee, Senior Deputy Advocate General, Haryana.

Anupinder Singh Grewal, J.(Oral)

CM No.14971-CWP of 2016

This application is for placing on record Annexures P-5 to P-8.

The application is allowed and Annexures P-5 to P-8 are taken
on record.

Main Case

The petitioner has sought a direction to the respondents to
consider his candidature for the post of Driver.

The petitioner had applied for the post of Driver in Haryana
Roadways in pursuance to Advertisement No. 1/2015/DST dated
14.08.2015 issued by the respondents. The candidature of the petitioner
was rejected on the ground that the driving licence produced by him does
not bear any date of issuance.

Learned counsel for the petitioner has contended that the
petitioner had been issued licence for Heavy Transport Vehicle (HTV) on

30.04.2004, which had been renewed on 04.06.2015 and hence his candidature could not have been rejected by the respondents on this ground.

Per-contra, learned counsel for the State contends that as the driving licence furnished by the petitioner was only for driving TRV-PSV bus, it could not be said that the petitioner had a valid driving licence for Heavy Transport Vehicle (HTV) and, therefore, his candidature was rejected.

I have heard learned counsel for the parties.

A co-ordinate Bench of this Court vide order dated 22.12.2015 while issuing notice to the respondents in the instant petition had directed that the petitioner be allowed to take part in the selection process but his result would not be declared without the leave of the Court. Learned Senior Deputy Advocate General states that the petitioner was allowed to participate in the selection process in terms of the interim order of this Court and he has qualified the same and his name figures at Sr. No. 11 in the list of selected candidates.

A perusal of the Advertisement dated 14.08.2015 issued by the respondents indicates that the essential qualification for the post of Driver is that a candidate must possess a valid licence for driving Heavy Transport Vehicle. The photocopy of driving licence of the petitioner, which has been annexed as Annexure P-2 with this petition reveals that the licence was issued to the petitioner on 30.04.2004 and was subsequently renewed on 04.06.2015 wherein the word 'TRV-PSV Bus only' is specifically

mentioned. The instant recruitment is for the Drivers of the Haryana Roadways. In the memo issued by the Director State Transport on 12.10.2015 (Annexure P-5), it has been clarified that four categories of Heavy Transport Vehicles exist for which licences are issued by the Licencing Authority and one of these vehicles is TRV-PSV Bus. All the four categories including TRV-PSV Bus are at par with Heavy Passenger Transport Vehicle (HPTV).

Therefore, it cannot be said that the petitioner does not possess a valid driving licence for Heavy Transport Vehicles as stipulated in the Advertisement. A co-ordinate Bench of this Court in CWP No. 1 of 2016, titled *Satpal and others Vs. State of Haryana and another*, had decided a similar controversy on 26.10.2016, wherein it was held that a candidate, who possesses TRV-PSV Bus licence, would be considered eligible for the post of Driver in the Haryana Roadways, wherein the essential qualification is requisite experience in driving Heavy Passenger Transport Vehicle (HPTV).

Consequently, the petition is allowed and the respondents are directed to appoint the petitioner on the post of Driver in terms of his merit.

November 30, 2016.*kanchan***(ANUPINDER SINGH GREWAL)
JUDGE****Whether speaking/reasoned? Yes****Whether reportable? No**