

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

Civil Writ Petition No.8913 of 2016

Date of decision: 22.8.2016

Ajit Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Deepak Agnihotri, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

CM No.9849 of 2016

CM allowed as prayed for and the documents are taken on record.

CWP No.8913 of 2016

The Transport Department, Haryana issued an advertisement in 2012 for filling up the vacant posts of Heavy Transport Vehicle Drivers on contract/daily wages. The driving proficiency test was held in April, 2013 in Bhiwani. The petitioner had applied under Dependent of Ex-Servicemen category but his name did not find place amongst the successful candidates.

It is argued by Mr.Agnihotri that though the petitioner applied in DESM category and furnished proof of belonging to it, his case was wrongly considered only in the general category. Feeling aggrieved, the petitioner approached this Court firstly in CWP No.10989 of 2014 which was disposed of on 29.5.2014 with directions to the Director General State

Transport, Haryana to consider and decide the notice for demand of justice dated 30.3.2014. The petitioner's representation has been decided vide order dated 23.1.2015 with copy at Annex P-8. The Director after perusal of the record has candidly observed that the petitioner had applied for the post of Driver (HTV) in the category of DESM (General) but inadvertently his candidature was considered in the general list and he was not selected in the general category. Because the petitioner failed to meet the mark of selection in the General Category it follows that would not confer upon him a right to selection and appointment as DESM (General) due to the fact that the last (9th) selected candidate Shri Krishan Kumar in the category of DESM secured 14.24 marks while the petitioner secured 12.49 marks. Therefore, even admitting the oversight, the petitioner, in any case, could not be selected due to his lower merit position than the last selected candidate in DESM category in the declared final result of the selection process. The mistake will not alter the result.

For these reasons, the representation has been rejected. The reason assigned is well founded and based on sound reasoning and admits of no doubt nor calls for interference. Besides, there is no rebuttal to the case stated by the department in the order Annex-8. Still further, there is considerable delay in approaching Court.

Accordingly, there is no merit found in this petition and the same is hereby ordered to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

August 22, 2016

Paritosh Kumar

Whether speaking/reasoned	:	Yes
Whether reportable	:	No