

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25954 OF 2017

O R D E R:

The case of the petitioner is that the 2nd respondent issued notification notifying recruitment for the posts of SCT PC (Civil) (Men & Women), SCT PC (AR) (Men & Women), SCT PC (SAR CPL) (Men), in Police Department, etc., vide Notification Rc.No.1511/Rectt./Admn.1/2015, dated 31.12.2015. As per the said Notification 6 weightage marks shall be awarded for the candidates possessing HMV Licence and 5 weightage marks for the candidates possession LMV licence and the applications for the said posts have to be submitted online. Pursuant to the said Notification the petitioner has submitted application through online vide Registration No.332484 by duly filling all the relevant fields mentioned therein. In the column pertaining to 'Type of Licence', the petitioner had mentioned 'Transport Vehicle Licence (HMV/LMV)', correctly including the period of licence as '9 months 5 days.' It is also stated that after submitting the application the petitioner was permitted to write preliminary written test conducted on 24.04.2016 in which the petitioner got qualified, upon which an Admit Card was issued to the petitioner to appear in the Physical Efficiency Test which was conducted in the month of August 2016. At the time of Physical Efficiency

Test, the 2nd respondent had verified the originals of all the certificates/documents including the Driving Licence which the petitioner is possessing and after getting fully satisfied with regard to petitioner's eligibility and after successfully passing the Physical Efficiency Test (PET), the 2nd respondent had updated petitioner's application and PET details. In the Column pertaining to Type of Licence, it was mentioned as '2' by the 2nd respondent, but however, they have added the period of petitioner's LMV Licence as '5 years 3 months 2 days'. Thereafter, the 2nd respondent issued Hall Ticket admitting the petitioner to write final written examination which was conducted on 23.10.2016 and the petitioner scored 82 marks in the said examination. Totally the petitioner secured 95 marks including Physical Efficiency Test. Subsequently, the petitioner was selected and called by the 2nd respondent to attend medical examination and re-verification of the original certificates. Accordingly, the petitioner attended and successfully completed the medical examination and once again petitioner's original certificates are verified. The petitioner had also shown the original driving licence and after fully getting satisfied and noting down the validity and other details of the driving licence, the 2nd respondent permitted the petitioner for medical examination. The petitioner had submitted the HMV licence to the petitioner.

It is further stated that after considering all the eligibility criteria and marks obtained in the written test, the petitioner was selected to the post of SCT Police Constable (AR) (Men) by the 2nd respondent and his candidature is reflected in Provisional Selection list. Thereafter, the petitioner was issued show cause notice dated 16.05.2017 stating that the petitioner has wrongly mentioned in the online application form that he is having HMV licence though he is having only LMV licence and thereby called upon the petitioner to show cause as to why his Provisional Selection to the post of SCTPC (AR) (Men) should not be cancelled as per Rules. Thereafter, the petitioner submitted explanation on 18.05.2017 stating that he is having HMV driving licence which was issued to him on 26.03.2015, as such, he did not commit any mistake. It is also the case of the petitioner that even if the weightage marks for possessing HMV licence are not added, still the petitioner will be within the cutoff marks and that the petitioner had no intention to mislead the authorities. In pursuance to the explanation submitted by the petitioner, the 2nd respondent without considering the same, had issued the impugned proceedings dated 03.07.2017 informing the petitioner that his selection to the post of SCTPC (AR) (Men) was cancelled. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that the ground on which the show cause notice was issued by the 2nd respondent is that the petitioner mentioned wrongly in the online application that he possess HMV licence though he is having only LMV licence. But in the impugned order issued canceling the provisional selection of the petitioner, it is stated that though the petitioner is having HMV licence the same was issued on 26.03.2015 and not completed the prescribed period of one year as per the recruitment notification, as such, he is not eligible for giving weightage marks of '6', as given to him, thus, he has given wrong information in the online application. Learned counsel for the petitioner also asserted that he is not claiming any weightage of marks under HMV licence, since his HMV licence does not fulfill the criteria of one year as stated in the recruitment notification.

On the other hand learned Government Pleader for Services submits that petitioner has not given correct information, as such his provisional selection was cancelled. He also submits that in his application the petitioner has mentioned that he is having HMV licence, but, since it is less than one year old, he is not entitled for any marks.

In this case the ground on which the 2nd respondent issued show cause notice is that the petitioner mentioned in the online application that he is having HMV licence though he is having only LMV licence. But in the impugned order dated 03.07.2017 issued by the 2nd respondent the reason mentioned for canceling the provisional selection of the petitioner is that the petitioner filled the online application form as having HMV licence though the same was issued on 26.03.2015 and not completed the prescribed period of one year as per the Notification, as such, he is not eligible for (6) weightage marks as given to him, thus, he has given wrong information in the online application form. The stand taken by the 2nd respondent in the show cause notice is different from that of the stand taken in the impugned order. It is almost inconsistent. In view of the same the impugned order is liable to be set aside.

Accordingly, the impugned order dated 03.07.2017 issued by the 2nd respondent canceling the provisional selection of the petitioner for the post of SCTPC AR (Men), is set aside. The 2nd respondent has also admitted that petitioner is having LMV licence and it is not the case of petitioner that he is claiming award of marks on the basis of HMV licence. Obviously petitioner cannot claim the same, since HMV licence was issued

only on 26.03.2015. In view of the same, the 2nd respondent is directed to award marks to the petitioner for LMV licence only and take further action accordingly, in accordance with Law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

08.08.2017
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A.RAJASHEKER REDDY, J

