

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

207

CWP No.14672 of 2013 (O&M)

Date of Decision: September 11, 2017

Amrik Chand

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Peeyush Gagneja, Advocate
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

The instant petition has been filed by the petitioner being aggrieved of the action of the respondent-Recruitment Board, Punjab Home Guards & Civil Defence Department, denying to him consideration and appointment to the post of Driver.

Brief facts and which are not in dispute, are that a public notice was issued in the year 2012, inviting applications for filling up various posts in the Punjab Home Guard and Civil Defence Department, Punjab, including 62 posts of Drivers in the pay scale of 5910-20200+2400(Grade Pay). Six posts were reserved for the Backward Class Category. The essential qualification/eligibility for the post of Driver were stipulated in the advertisement itself and were in the following terms:- ***“Applicant should have ability***

to read and write Punjabi, should be possessing a valid driving licence of light and heavy vehicle and should have experience of five years. The candidate with higher education will be given preference.”

The last date for submission of application forms for the post in question, was 26.12.2012.

In the written statement filed on behalf of the State, a specific stand has been taken that against the requirement of five years experience, the petitioner had produced a driving licence, which carried an endorsement to drive a heavy transport vehicle on 15.10.2008 by the District Transport Officer, Ferozepur. Accordingly, the action of denying to the petitioner consideration for the appointment to the post of driver is sought to be justified on the basis that he did not possess the requisite eligibility as laid down in the advertisement itself.

Counsel for the parties have been heard.

The condition with regard to eligibility/basic qualification for the post of Driver and as contained in the advertisement was couched in clear and unambiguous terms. The prospective candidate had to possess a valid driving licence of light and heavy vehicle and coupled with a driving experience of five years. It goes without saying that the requirement of five years driving experience, would be upon possessing a valid driving licence of light and heavy vehicle. In the present case, the relevant

date to determine eligibility of a prospective candidate, would be the closing date for submission of application forms i.e. 26.12.2012.

Counsel appearing for the petitioner does not dispute that the endorsement in the driving licence of the petitioner to drive a heavy transport vehicle was made by the competent authority only on 15.10.2008. It is the experience reckoned from this date that would count. Concededly as on the closing date for submission of application forms i.e. 26.12.2012, petitioner falls short of the requirement of five years experience as stipulated in the advertisement.

In view of the above, no infirmity is found in the action of the respondent-authorities in having declined to the petitioner consideration for the post of Driver.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

11.09.2017
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Whether speaking/reasoned : ***Yes/No***
Whether reportable ***:*** ***Yes/No***