

THE HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.A.No.163 of 2018

ORDER: (Per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present appeal, the appellants/respondents have challenged the order dated 03.10.2017 passed in W.P.No.32751 of 2017.

2. The case of the respondent/petitioner is that he was provisionally selected for the post of Stipendiary Cadet Trainee Police Constable (SCT) (AR) (Men and Women) in the police department and that he was issued with a show cause notice dated 03.05.2017 on the ground that he submitted fake driving license and called upon him to submit explanation as to why his provisional selection to the post mentioned above should not be cancelled as per the Rules. The respondent has submitted his explanation on 03.05.2017, but the same has not been considered by the respondents. The further case of respondent is that without considering his explanation, the impugned proceedings dated 28.07.2017 and the consequential order dated 08.09.2017 have been passed by the appellants by cancelling the provisional selection of the respondent. Being aggrieved, the respondent filed the aforesaid writ petition.

3. The counsel for the respondent submits that the notification was issued for the aforesaid post on 31.12.2015 and in the column

of driving license (etc.), of his application, the respondent mentioned the type of license as Transport Vehicle License (HTV/HMV) and the date of issuance of license as 17.02.2004 and the period of driving license as on the date of notification was 11 years 10 months and 14 days. Learned counsel for respondent further submits that the heavy motor driving license was acquired by the respondent on 28.01.2015 and the last date for the application was 04.02.2015. Thus, in the application, he has given all the facts that he was having motor driving license for a period of 11 years 10 months and 14 days.

4. Learned Government Pleader for Services-I appearing for appellants has produced a copy of heavy motor driving license before this Court and submits that the heavy motor driving license was issued to the respondent on 28.01.2015, whereas in the column against the driving license of his application, the respondent mentioned the period of driving license as 11 years 10 months and 14 days old.

5. We have carefully perused the application of respondent at page 44, wherein it was mentioned that the type of license (HTV/HMV) and the date of issuance of license as 17.02.2004. The said particular is with regard to the light motor vehicle driving license and the same is not in dispute for the reason that, in the heavy motor driving license, which was issued on 28.01.2015, the date of first license was mentioned as 17.02.2004. Thus, the respondent has referred the date i.e, 17.02.2004 regarding his light motor

vehicle driving license and therefore, it cannot be considered that the respondent has suppressed the facts for getting the benefit of heavy motor driving license and mentioned the period of driving license as 11 years 10 months and 14 days old.

6. As per the Notification, the column 'weightage marks' reads as under:

"For Post code 22 (men & Women): The Candidates, who possess Light Motor Vehicle/Transport Vehicle License, will be given weightage marks in the final selection, as detailed below:

- (i) Candidate who possess Light Motor Vehicle License continuously for a period of full two years and below three years as on date of notification will be given 3 marks.
 - (OR)
 - (ii) Candidate who possess Light Motor Vehicle License continuously for a period of three years and above as on date of notification will be given 5 marks.
 - (OR)
 - (iii) Candidate who possess Transport Vehicle License (HTV/HMV) continuously for a period of full one year and above as on date of notification will be given 6 marks.
- Note: (1) Candidates should furnish copy of Driving License Information (Grant of issue of Driving License) issued by the licensing authority of the RTA concerned along with the application form.
- (2) The Candidate will be given weightage of marks either for possessing Light Motor Vehicle or Transport Vehicle License (HTV/HMV) whichever is more."

7. It is not in dispute that the respondent was having light motor vehicle license with the experience of driving for more than 11 years, for which five marks would be given to the candidate who possess light motor vehicle license continuously for a period of three years and above as on the date of notification. Thus, the provisional selection of the respondent cannot be cancelled based on the mis-

understanding and misreading of the column filled up by the respondent in his application.

8. It is not in dispute that the respondent was having light motor vehicle license on 17.02.2004 and acquired heavy motor vehicle license on 28.01.2015. It is not the case of the appellants that had the petitioner was not mentioned heavy motor vehicle license, he would not have been selected because, for the HMV license, 6 marks would be given, whereas for possession of light motor vehicle license continuously for a period of three years, 5 marks would be given. Admittedly, the respondent was having LMV license for more than 11 years and as such he is entitled for 5 marks and accordingly given 5 marks not 6 marks.

9. In view of the facts referred above, we find no illegality or perversity in the order passed by the learned Single Judge. Accordingly, we confirm the order dated 03.10.2017 passed by the learned Single Judge in W.P.No.32751 of 2017.

10. Finding no merit in the present appeal, the Writ Appeal is dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this appeal shall stand dismissed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

26th February, 2018

sj

