

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 3616 of 2016
Date of decision: August 28, 2018

Mandeep and another

... Petitioners

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE RITU BAHRI

Present: Mr. Yashvir Singh, Advocate for
Ms. Supriya Garg, Advocate
for the petitioners.

Mr. Hitesh Pandit, Addl. A. G. Haryana.

RITU BAHRI, J.(Oral)

The short point involved for consideration in this petition is as to whether the petitioners had been wrongly not selected for the post of Heavy Vehicle Drivers in all the categories pursuant to the advertisement dated 26.10.2012 (Annexure P-1). The respondents had advertised total 1513 posts of Heavy Vehicle Drivers in all the categories i.e. General-131 posts, Schedule Caste 858 posts, BC(A)-389 posts and BC(B) 135 posts.

Petitioner No.1 belongs to SC category and petitioner No.2 belongs to BC(B) category. They had appeared in the driving proficiency test held on 15.4.2013 to 7.5.2013. They were declared passed with roll number 07892 and 7879 shown in the result (Annexure P-3). Thereafter they were called for interview. The respondents in the written statement in paragraph 5 have given the details of date of birth of petitioner No.1 as

No.1 was 19 years old and petitioner No.2 was 18 years old on the date of interview. At the time of verification of the documents, the petitioners submitted their affidavit dated 17.9.2013 mentioning all the details regarding the date of birth and the issue of heavy driving license initially. It was found therein that the age of the petitioners was below 20 years. Copies of affidavits are annexed as Annexure R-1 and R-2.

As per Section 4 (2) of the Motor Vehicles Act, 1988, no person under the age of 20 years shall drive transport vehicle in any public place, subject to the provisions of Section 18.

As per Section 18 the petitioners' case does not fall under any of the exceptions to Section 18.

In view of the aforementioned facts, as per Section 4 (2) of the Motor Vehicles Act, 1988 the petitioners could not be appointed for the post of Heavy Vehicle Drivers as they were below the age of 20 years.

There is no merit in the writ petition. The same is accordingly dismissed.

(RITU BAHRI)
JUDGE

August 28, 2018
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No