

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

CWP No.5958 of 2018

Date of Decision : 12.03.2018

Sunil Kumar

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.Naveen Kaushik, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

Notice of motion.

Mr. Hitesh Pandit, Addl. A.G. Haryana, present in Court, accepts notice on behalf of the respondents. Copy furnished.

In the nature of order I propose to pass in the matter, no formal written statement(s)/counter affidavit(s), on behalf of the respondents, is indeed necessary, at this stage. Thus, with the consent of learned counsel for the parties the petition is disposed of finally.

The petitioner competed for selection to the post of Heavy Vehicle Driver, pursuant to an advertisement No.4/2017, dated 18.05.2017 (Annexure P-1), under the EBPB category. He purports to have qualified the written examination as also the driving proficiency test. However, in the list of short listed candidates, who were called for interview in his category, his name and roll number was not depicted. His case is, that ostensibly, the reason, for which the candidature of the petitioner appears to

have been ignored is; **that he lacked three years requisite driving experience.** It is urged, that the petitioner had appended an experience certificate, for, he was employed as a bus driver with Saurabh Co-operative Society Ltd. Palwal, from 10.02.2005 to 10.02.2010. But the driving licence, the petitioner had appended with his application form was issued on 19.10.2009. Whereas, the three years experience that the petitioner was required to possess, was to be counted from the date of issuance of a valid driving licence, and thus, he barely possessed 04 months experience. It is urged, that the petitioner was issued a valid driving licence on 17.10.2003, which was valid up to 16.10.2006 (Annexure P-5), and where-after, it was renewed on 2.11.2006 and was valid up to 16.10.2009 (Annexure P-6). And, Again, upon renewal, he was issued a licence (Annexure P-7), on 19.10.2009, valid up to 18.10.2018, and the petitioner appended the current driving licence, with his application form. But the fact remains that he possessed a valid driving licence since 17.10.2003, which was duly renewed, and therefore, he had the valid experience as well. And, even the current driving licence of the petitioner (Annexure P-7), indicates the particulars of old Licensing Authority that had issued the licence or had renewed it. Thus, no fault could be found with the petitioner. It is submitted that even though process of selection has been concluded, and the results have since been declared, but the appointments are yet to be made. The petitioner purports to have even represented to the respondents, in this regard, vide representation (Annexure P-3), but to no avail.

As to this, learned State counsel submits that the

claim/grievance of the petitioner as also his representation (Annexure P-3), shall be considered and dealt with by the respondents within a period of two weeks from today. And, appropriate orders in accordance with law shall be passed and communicated to the petitioner as also to his counsel.

The petition is accordingly, disposed of, in the above terms. However, in the event, the claim of the petitioner is declined, the respondents-authority shall pass a comprehensive order assigning reasons in support thereof.

12.03.2018

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No