

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

CWP-6349-2018

Date of Decision: March 14, 2018

Suresh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Gaurav Mohunta, Advocate,
for the petitioner.

ARUN PALLI, J. (ORAL)

Notice of motion.

Mr. R.K. Doon, AAG, Haryana, present in the Court, accepts
notice on behalf of the respondents. Copies furnished.

For the nature of order, I propose to pass in the matter, no
formal written statements/counter affidavits on behalf of the respondents are
indeed necessary, at this stage. Thus, with the consent of the parties, the
petition is being disposed of finally.

The petitioner competed for selection to the post of Heavy
Vehicle Driver, pursuant to an advertisement, dated 18.05.2017 (Annexure
P-1), in the Scheduled Caste category. He purports to have qualified the
written examination as also the Driving Proficiency Test. However, he was
never called for interview, as during scrutiny of his documents, it was
detected, even though he had claimed to possess three years' driving
experience, but the certificate produced by him revealed that he barely had
experience of 1 year and 4 months. Accordingly, his candidature was

rejected. It is urged that, in fact, the petitioner had served in the Bharti

Middle School, from 15.05.2014 to 14.09.2015, which is why, the experience certificate, dated 14.09.2015 (Annexure P-6), was produced by the petitioner during scrutiny. But as the continued to serve the same employer, i.e. Bharti Middle School, even after 14.09.2015, he was issued another certificate dated 03.06.2017 (Annexure P-4), which shows his total driving experience w.e.f. 15.05.2014 to 03.06.2017, thus, he possessed the requisite experience. As indicated in his application form.

Be that as it may, the fact remains that the said certificate, dated 03.06.2017 (Annexure P-4), was not produced either during the scrutiny or thereafter, except with the representation, dated 05.03.2018 (Annexure P9). Accordingly, it is submitted that the respondents be directed to consider and decide the representation of the petitioner within a specified time.

In response, learned State counsel submits that the claim/grievance of the petitioner as also his representation, dated 05.03.2018 (Annexure P-9), shall be considered and dealt with by the respondent authorities within a period of two weeks from today. And appropriate orders in accordance with law, shall be passed and communicated to the petitioner.

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

(ARUN PALLI)
JUDGE

March 14, 2018

P Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO