

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 16317 of 2015

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Kumar Gaurav, son of Shambhu Singh, Resident of Village – Sonapur
Bharath, PO – Hanspur, PS – Nayagaon, District – Begusarai (Bihar) 851 129

... .. Petitioner/s

Versus

1 The Union of India through the Home Secretary, Government of India,
New Delhi
2 Law Secretary, Government of India, New Delhi
3 Deputy Inspector General of Police, Group Center, CRPF, Jhaphan,
Muzaffarpur
4 Commandant, Group Center, CRPF, Muzaffarpur (Bihar)
5 Presiding Officer, Selection Board, Constable (Technical/Tradesman),
Group Center, CRPF, Muzaffarpur (Bihar)

... .. Respondent/s

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For the Petitioner/s	:	Mr Sunil Kumar Singh No 10, Advocate
For the Respondent/s	:	Mr Shyam Bihari Singh, CGC

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 29-01-2019

Heard learned counsel for the petitioner and the
respondent-Union of India.

2 The petitioner has filed IA No 4730 of 2018
challenging the communication dated 05.09.2015 issued by the
Commandant, Group Center, Central Reserve Police Force,
Muzaffarpur. The petitioner's candidature for CT/Dvr has been
rejected by assigning a reason that he has not produced his
qualification/license for driving "Transport Vehicle". Petitioner's
counsel submits that the rejection is contrary to the terms of the
Advertisement. He has drawn attention of the Court towards the
technical qualification prescribed in sub-clause (ii) of Clause 8 of
the Advertisement which reads as follows:



- 8 (i)
(ii) **Technical Qualification**
*For CT/Dvr – Should possess
“Transport Vehicle” driving license
and pass the driving test at the time of
recruitment.”*

3 The requirement is of possessing “Transport Vehicle” driving license. The expression *Transport Vehicle* has been defined in sub-section (47) of Section 2 of the Motor Vehicles Act, 1988 which includes a public service vehicle, goods carriage, an educational institution bus or a private service vehicle. The expression *Transport Vehicle*, therefore, includes Heavy Vehicles within its definition.

4 Petitioner, admittedly, has license for driving only a light motor vehicle (*LMV*). He does not possess license for driving Heavy Vehicles.

5 The rejection of the candidature of the petitioner, therefore, is sustainable in terms of the Advertisement pursuant to which he has made his application.

6 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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